THE COLORADO RIVER STORAGE PROJECT

Federal transmission line policy as it has evolved over the years makes completely incongruous the proposal by the Interior Department to build an all-Federal transmission grid for the Colorado River storage project. In the period since World War II, Congress has shown no willingness at any time to authorize an all-Federal transmission grid in any area, and it has repeatedly prevented the Bureau of Reclamation from establishing such a system in a major river basin development. It might be argued that TVA is an exception, but TVA is a Federal monopoly, independent of the Department of Interior. The Pacific Northwest, while containing many Federal lines, makes extensive joint use of non-Federal as well as Federal systems.

The specific language of the law authorizing the Colorado River storage project does not require the construction of a Federal network. In fact, the report on the legislation by the House Committee on Interior and Insular Affairs stated:

The proposal by the power companies [to wheel power] seemed entirely reasonable to the committee. The proposal is consistent with the policy expressed by the Congress for many years in appropriation acts and elsewhere whereby the Federal Government builds the basic backbone transmission system and distribution is made through existing systems where satisfactory arrangements can be worked out. The procedure is similar to that which has worked very satisfactorily for the Central Valley project (84th Cong., H. Rept. 1087, p. 17).

Recent statements of the Appropriations Committees of both Houses indicate a continuing congressional desire for cooperation in developing a mutually acceptable program of transmission lines to market this power. The House Committee on Appropriations in reporting the public works appropriations bill for 1960, emphasized the need for working out such arrangements through joint planning:

The committee heard considerable testimony that the Bureau is proceeding with planning of the Federal transmission line system in the Colorado River storage project area without consulting either the private utilities or the preference customers who would be interested in the distribution of this power. The report on the authorizing legislation specifically requires that coordinated study and planning with these groups be undertaken (86th Cong., H. Rept. 424, p. 25).

The report of the Senate Committee on Appropriations expressed the same idea:

The committee expects the Bureau to confer with representatives of the preference customers and the utilities serving the Upper Colorado River Basin area in the planning of the transmission system to market Colorado River storage project power (86th Cong., S. Rept. 486, p. 43).

Both of these committees were taking the same attitude on this problem that they have expressed repeatedly for more than a decade: that it is incumbent upon the Department of Interior to do everything possible to work out effective and economical wheeling agreements necessary duplicating transmission system that would constitute an exclusive Federal network for marketing power that will preclude the building of an unfrom Federal projects.

Significantly, existing policy was hammered out largely during World War II and the Korean war—periods of crises when the Nation had to utilize the most efficient and economical means available to achieve its objectives. Since it has proven itself under those conditions, there would seem to be no justifiable reason for reversing this policy under today's cold war conditions.

HOUSE OF REPRESENTATIVES

WEDNESDAY, JULY 19, 1961

The House met at 12 o'clock noon.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

Job 36: 5: *Behold God is mighty in strength and wisdom.*

Almighty God, in these days of crisis and confusion, may all the citizens of our country reveal those heroic qualities of a Nation whose God is the Lord and who are strengthened and fortified by a great faith that the Lord God omnipotent reigneth.

Grant that this may not be for us a time of panic but a time when we are quietly and resolutely yielding ourselves to the pressure and power of those moral and spiritual resources which are abundantly adequate for whatever may befall us in the fluctuating fortunes of a cold or hot war.

May the magnitude of world issues and the agony of suspense make clear unto us that for calmness and courage, for patience and perseverance we need Thy sustaining grace which is inexhaustible in its fullness.

Hear us in Christ's name. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed, with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 7576. An act to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following title:

S. 1644. An act to provide for the indexing and microfilming of certain records of the Russian Orthodox Greek Catholic Church in Alaska in the collections of the Library of Congress.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 7444) entitled "An act making appropriations for the Department of Agriculture and related agencies for the fiscal year ending June 30, 1962, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate numbered 17 and 23 to the foregoing bill.

EXECUTIVE OFFICE OF THE PRESIDENT, THE DEPARTMENT OF COMMERCE, AND SUNDRY AGENCIES APPROPRIATION BILL, 1962

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House may have until midnight tonight to file a conference report on the bill (H.R. 7577) making appropriations for the Executive Office of the President, the Department of Commerce, and sundry agencies for the fiscal year ending June 30, 1962, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

PUBLIC HEALTH SERVICES

Mr. TRIMBLE, from the Committee on Rules, reported the following privileged resolution (H. Res. 375, Rept. No. 730) which was referred to the House Calendar and ordered to be printed:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4998) to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed two hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

THE LATE W. KINGSLAND MACY

Mr. PIKE. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. PIKE. Mr. Speaker, I appreciate the opportunity to take this time to pay tribute to the memory of a man who from 1946 to 1950 represented in Congress the district which I now have the honor to represent, who for 25 consecutive years was the Republican chairman of Suffolk County, N.Y., for 4 years Republican State chairman of the State of

New York, and was a State senator prior to his election to Congress. During all of that time, when his influence extended far beyond the boundaries of the State of New York, he was known as a man willing to tackle any odds in a cause he believed to be just; a conservative who sought to guide change rather than oppose it; and he devoted his life to that greatest of causes, the preservation and development of the American system of constitutional democracy.

W. Kingsland Macy, whose death came on Saturday, was not of my political persuasion. The causes which he espoused were frequently not my own, and his political defeat in 1950 was not at that time a cause of sadness for me. He was called a political boss. While we were frequently in opposite corners, however, never could I say that I did not respect his ability, his morals, and his motives. In the fullness of time, many of both parties came to realize that the period of time when he led the Republican Party in our area was a good period of time, for his party and for our area.

My friends on the other side of the aisle who knew Kingsland Macy know they have lost a stanch champion. Those on my side of the aisle know they have lost a worthy adversary. If we could not share his political persuasion, we were proud to share his faith and belief in our democratic system; if we could not espouse all of his causes, we yearned to be able to champion our own with the same vigor and determination which he showed. Above all, we hope that when our own time comes, we can be remembered, as he will always be remembered, as a man of uncompromising integrity, unyielding principle, and personal morality beyond reproach.

To his wife and children we express our heartfelt sympathy. With his passing a great man is gone, and their loss is shared in some degree by all of us.

EUGENE T. KINNALY

Mr. ALBERT. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. Mr. Speaker, I take this time to pay a word of tribute to my good friend, Eugene T. Kinnaly, the strong arm of our great majority leader. Today Gene Kinnaly has finished 44 years of public service on behalf of the House of Representatives, 33 years with our distinguished leader from Massachusetts.

Every Member of Congress is aware of the important role played by our staff members, but despite long years of devoted personal service to the majority leader, Gene Kinnaly has become a kind of ex officio staff member for most of us.

I think the Members on both sides of the aisle will join me in an expression of gratitude for his assistance on innumerable occasions.

How many times would a question have gone unanswered; a service unrendered; a detail unnoticed, had it not been for Gene's quiet but efficient competence. For my own part I can state without equivocation that I have never known a finer, more courteous, or more accommodating person in my lifetime. As an attorney, he is a credit to the legal profession. As a man, he embodies the finest personal characteristics. He is a gentleman in every sense of the word.

He has carried his own high ideals and standards into a career dedicated to public service.

He shares with JOHN MCCORMACK the belief that Government is the servant of the people from whom its power is derived.

He has spent the last 44 years implementing that belief.

Mr. Speaker, it is indeed a pleasure to extend warm congratulations to Eugene Kinnaly on this anniversary of 44 years of service and wish for him many more years of achievement in the future.

Mr. MARTIN of Massachusetts. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the distinguished gentleman from Massachusetts.

Mr. MARTIN of Massachusetts. Mr. Speaker, I first met Gene Kinnaly when I entered Congress in 1925. At that time, he had already been secretary for several years to an outstanding Member of the House from Massachusetts, the late James A. Gallivan, who was a brilliant and colorful figure. Gene had already proven his ability. Gene had an engaging personality and was always ready and anxious to be helpful to all of us in the Massachusetts delegation. He has had a splendid record of service. For 10 years he was the devoted and faithful secretary for Congressman Gallivan and for the past 33 years, has served in the same capacity for our able and distinguished majority leader, JOHN MCCORMACK. The State of Massachusetts is proud of such a fine public servant. As he enters the 44th year of service, I wish him continued good health and happiness in the work to which he has devoted his life. Few have dedicated more than Gene his efforts of service to country.

Mr. KLUCZYNSKI. Mr. Speaker, will the gentleman yield?

Mr. ALBERT. I yield to the gentleman from Illinois.

Mr. KLUCZYNSKI. Mr. Speaker, I join the Democratic whip of the House, Hon. CARL ALBERT, of Oklahoma, in his expression of congratulations and best wishes to Eugene T. Kinnaly, administrative assistant to the House majority leader, Hon. JOHN W. MCCORMACK, who starts his 44th year today as an employee of the House. Gene started work originally in the office of Congressman James Gallivan of Boston and remained with him until his death in 1928.

Our present Democratic floor leader, the Honorable JOHN W. MCCORMACK was selected to fill the vacancy and as we all know, he has been reelected to each succeeding Congress since that time. Because of his knowledge of practical politics in the city of Boston and in view of his experience here at the Capitol, Eugene T. Kinnaly was prevailed upon to remain as secretary to Congressman MCCORMACK.

Those of us who have been privileged to know Gene over a period of years, realize full well what an asset he has been to the majority leader during these many years. Gene Kinnally is an excellent attorney. He is dependable, reliable, trustworthy and any assignment given him is always handled with speed and assurance of success. His reputation is that he never is too busy to listen to the troubles and problems of others and then make a serious effort to have them adjusted.

Gene is a very charitable person and deeply religious. My sincere and genuine wish for him is that he will remain here at the Capitol for many years to come.

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, I wish to join with my colleagues in paying tribute to our good friend, Eugene T. Kinnaly, administrative assistant to the distinguished majority leader, Congressman MCCORMACK, as he observes his 44th anniversity as a Capitol Hill secretary.

All who have known Gene since he came to Capitol Hill 43 years ago have been impressed by his genial personality, his calm manner, his infectious smile and his willingness to help. He came to Washington from Boston and served as secretary to the late Congressman James A. Gallivan for 10 years. He remained here as secretary to Congressman MCCORMACK when he was elected to succeed Congressman Gallivan 33 years ago. He is a member of the Massachusetts bar, and has been admitted to practice before the Federal courts and the U.S. Supreme Court.

Mr. Speaker, I want to take this opportunity to extend my very best wishes to Gene Kinnaly for continued good health in the years ahead. He has been a good and loyal secretary to our beloved majority leader and has been a great help to new members of Congress from his native Massachusetts and other States throughout the Union.

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks at this point in the RECORD regarding Mr. Kinnaly.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Mr. LANE. Mr. Speaker, Eugene T. Kinnaly starts today on his 44th consecutive year as a congressional secretary and administrative assistant in Washington.

He began his career as the right-hand man of Representative James A. Gallivan of Boston. Ten years later, when Representative Gallivan passed away, Gene had acquired such a reputation for courteous efficiency, that he was retained by the Honorable JOHN W. MCCORMACK who, in his first official action as a freshman Congressman, revealed the foresight and sound judgment that eventually earned him the position of majority leader.

For 33 years, Gene has been the keyman on JOHN MCCORMACK's staff. He was so busy that he had no time for any interests except his work and his home.

He was equally adept on the typewriter, on the telephone, in meeting visitors from Congressman MCCORMACK's district, and in finding the right Government agency to contact in processing the claims or applications from the folks back home.

As the loyal and confidential aid of the majority leader, his experience and his wisdom have contributed to the shaping of constructive legislation, and to the great decisions that made our Nation a world power.

A little known fact is that Gene, in sincere devotion to his religious faith, attends Mass every day in the year.

With this spiritual strength he can cope with any emergency. I have seen him do his best under pressures that would have panicked a lesser man.

The American people appreciate the vital role played by the staff in the conduct of the Presidency, a large corporation, a nationwide labor organization, or a famous university.

But I suspect that only Members of the U.S. House of Representatives realize how much they depend upon their hard-working and capable staffs who know most of the answers, and can find the rest.

And so we welcome this opportunity to honor one of the most capable secretaries within the memory of any present Member of the House. He represents the highest competence among the congressional assistants without whose help we could not fulfill our responsibilities to our constituents or to the Nation.

Gene Kinnaly has completed 43 years of that distinguished service. As he enters upon his 44th year today, we pause to congratulate the respected and popular administrative assistant to House Majority Leader JOHN W. MCCORMACK.

And to wish Gene every happiness in the continuation of the career to which he gives the riches of his talent and his character.

Mr. BURKE of Massachusetts. Mr. Speaker, I wish to join with my colleagues in Congress and commend Mr. Eugene T. Kinnaly, secretary of our majority leader, the Honorable JOHN W. MCCORMACK, on the occasion of his 44th year as a congressional secretary. Gene, as he is affectionately known, has established an enviable record not only as secretary to our distinguished majority leader but also as the secretary to the late beloved Congressman James Gallivan who preceded Mr. MCCORMACK in Congress. Gene is loyal, honest, discreet, and possesses the milk of human kindness. These attributes are reflected in his conscientious work that has helped untold hundreds of people who came to him with their varied problems.

The position of secretary in a congressional office is a trying one. It calls for a great deal of patience and understanding. Long hours, tedious research. I know that Gene has been able to weather the busy responsibilities heaped upon him during his many years. He has always been affable. His disposition never changes. A truly devout man, humble, never pretentious, Gene is an attorney at law and can practice before the State, Federal, and Supreme Courts.

I value him as a friend. He has been my adviser on occasion. I have found him to be sound in his advice. Yes, he has made my stay in Washington, D.C., and my duties in Congress easier.

Eugene Kinnaly is a trustworthy and dedicated man.

Mr. O'NEILL. Mr. Speaker, today one of Massachusetts' most distinguished citizens, Eugene T. Kinnaly, commences his 44th year as a congressional secretary, and his 33d year with that great Democrat, the Honorable JOHN W. MCCORMACK.

Gene has compiled a conscientious and constructive record as an aid to the late Congressman James A. Gallivan whom he served for 10 years prior to becoming administrative assistant to our beloved Majority Leader JOHN MCCORMACK. His talent and devotion to his manifold duties is an achievement of great merit of which Gene and all of us here in the Congress can be justifiably proud. He is an honored member of the Massachusetts bar, the Federal court, and the U.S. Supreme Court.

It is a privilege and a pleasure for me to join with his many friends throughout the country in congratulating him on his years of distinctive and distinguished public service. I know that all of you join with me in the hope that Gene will be around for many more years to come to share both his wisdom and his good fellowship with us.

Mr. DINGELL. Mr. Speaker, I rise to pay tribute to a distinguished American, Mr. Eugene Kinnaly, administrative assistant to our beloved majority leader, the Honorable JOHN MCCORMACK. Gene Kinnaly starts his 44th year of Government service today. He is a member of the Massachusetts Bar, and has been admitted to practice before the U.S. district court and the U.S. Supreme Court.

He served for 10 years as a member of the staff of Congressman James A. Gallivan and for the last 33 years has been secretary and administrative assistant to his present boss, the Honorable JOHN MCCORMACK.

As a young Member of Congress, I came to know Gene Kinnaly and regard him highly for his devotion to public interest and for the good advice and assistance which he so generously gives to new Members, and indeed to all Members of this body.

Mr. DONOHUE. Mr. Speaker, it is a particular personal pleasure for me to join with my colleagues in this special tribute to Mr. Eugene T. Kinnaly, administrative assistant to our beloved majority leader, who is today beginning his 44th year of congressional service.

"Gene," as he is affectionately known to all of us, personifies the highest tradition and ideal of an exemplary congressional assistant. He is supremely capable, intensely loyal, and devotedly patriotic in his service to the country in his congressional assistant capacity.

Despite the tremendous workload that we know is his responsibility, he always has time to guide the newer and lesser experienced secretaries in the discharge of their particular duties, and he has given counseling words of wisdom to untold Members here whenever called upon.

Gene's superior and developed talents shine through his modest personality, and his kindly nature and disposition are a byword on Capitol Hill.

Here is a man who has dedicated himself to patriotic service for his country for 43 years, and there are few indeed who can match his unique and inspiring record.

We are happy to salute you today, Gene, and join in our most earnest wishes that the good Lord will keep you with us for many more years of your fruitful work in continuing good health.

Mr. PHILBIN. Mr. Speaker, I was truly gratified to learn from my esteemed colleague, our able and distinguished majority leader, that his longtime, invaluable aid, Gene Kinnaly, is celebrating the 43d anniversary of his service on the Hill. I hasten to heartily congratulate my good friend, Gene Kinnaly, and his family and to wish for him and for them many more happy anniversaries and many more years of success, happiness, and peace.

Gene Kinnaly is truly one of the outstanding public servants on Capitol Hill or in the Federal service. For 43 years now, he has been associated with the work of the Congress and has rendered most conspicuous service to his district, State, and Nation.

He started his illustrious career as secretary to the late, colorful and esteemed Congressman James A. Gallivan, the worthy and very able predecessor of our distinguished and beloved majority leader, JOHN W. MCCORMACK.

After 10 years with Congressman Gallivan, Gene began his association with Congressman MCCORMACK, so that for 33 years now, through all the vicissitudes and swirling currents of national political life, he has admirably discharged his most important tasks and duties in the office of our great American Congressman and inspiring majority leader, the famous and celebrated JOHN MCCORMACK.

It would be impossible for any one adequately to measure the value of the contributions that Gene Kinnaly has made to the majority leader, to the Congress and to the country. Well-trained, capable, loyal and experienced, completely devoted to his work, Gene Kinnaly has established a record here in the House of Representatives that would be difficult, if not impossible, to excel.

He stands at the very top of his profession, and he is a skilled professional in every sense of the word. He has a firm grip on his job, a sure, confident knowledge of Federal affairs and of the sprawling Federal bureaucracy and its personnel, an astonishing knowledge of the affairs of his district and the country, a wide acquaintance with people of every rank, color, and creed, and a faculty and a flair for getting things done that mark him as one of the most successful in his field.

There is no facet of practical national affairs that Gene Kinnaly does not understand. There is no corner of his district that he does not know. There is no

Government bureau or agency that he is unable to penetrate.

Endowed with a gracious personality, a quick, alert mind, tact, understanding and diplomatic sense, he has won a legion of friends in and out of public life and enjoys the respect and confidence of his associates, the constituency of his office and a wide range of public officials of every station.

I think a great deal of Gene Kinnaly and my feelings are shared, I am sure, by all of us in the Congress who know of the beneficial contributions he has made throughout many years of faithful service, and who deeply cherish his friendship.

A man of personal modesty and humility, he possesses many gifts that have been, as I have stated, invaluable to him in the performance of his duties.

Above all, he is a prodigious, tireless worker whose entire life has been assiduously dedicated to carrying the heavy burdens of one of the busiest and most vital political offices in the country, which has been for many years the nerve center of most important congressional and policy-making activity.

His initiative, his enthusiasm for his work, his unfaltering loyalty to the great American leader whom he personally serves, his self-sacrificing spirit, his perennial and good will and beaming nature, his good commonsense, are some of the more pronounced qualities and characteristics that have predominated the life's work of this able, zealous, and faithful public servant.

I rejoice with him, his family and his many friends on this occasion and I join very many officials and people in wishing for him and his dear ones in the time to come all the blessings and graces of good health, success and happiness that the good Lord may bestow. God speed and keep you, Gene.

ESTABLISHING A FORM FOR CERTIFICATION OF A MEMBER OF THE HOUSE

Mr. ROUSH. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. ROUSH. Mr. Speaker, I have introduced a resolution to establish a rule of the House which would prescribe the form that the certificate of election to the office of Representative should take.

In talking with the Clerk of the House, I have learned that there is a wide variety of forms and certificates which are presented to him after each election. Many of them, he informs me, contain language which is not technically or legally correct. For example, in my State, the certificates of election certify that a person is elected to the office of "Congressman," an incorrect term for the office. It further specifies that the Governor of the State "commissions" him to be "U.S. Representative" from the certain district in the State. This, too, is in error, since the Governor has not the power to commission a person to a seat in this body. That is reserved to the Members of this House.

I use the example, the certificates of my State, but I understand similar discrepancies exist in the form of certificates from other States.

The Senate has for many years followed a rule which prescribes the form of the certificate of election which must be presented to its Secretary. In fact, the occasion of the interim election in Texas presented a further problem and the distinguished majority leader of the Senate has introduced a resolution to provide an additional form to answer this problem. I might add that the problem of the Texas election had nothing to do with the unusual political affiliation of the Senator-elect from that State, but with the date of his taking office.

The form of the certificate which I have proposed in my resolution follows closely the form now in use by the Senate. It would perfect the manner in which the records of the House are preserved and would fill a definite need. I ask prompt and careful consideration of this resolution by the committee.

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent that the Committee on Science and Astronautics may have until midnight tonight to file a conference report on the bill (H.R. 6874) to authorize appropriations to the National Aeronautics and Space Administration for salaries and expenses, research and development, construction of facilities, and for other purposes.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

THE LATE HONORABLE HERBERT CLAIBORNE PELL

Mr. FOGARTY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. FOGARTY. Mr. Speaker, it was with deep regret that I learned of the death of the Honorable Herbert Claiborne Pell, ex-Democratic Congressman from New York and the father of my good friend and esteemed colleague Senator CLAIBORNE PELL, of Rhode Island. I have been informed that Mr. Pell was stricken with an apparent heart attack at the age of 77 while vacationing in Munich, Germany.

Congressman Pell served with this body in the 66th Congress, having been elected from the 17th New York District. He continued to be active politically in the Democratic Party serving as Democratic State chairman in New York from 1921 to 1926 and as Democratic national campaign vice chairman when President Roosevelt ran in 1936. As temporary chairman of the Democratic national Convention in 1924 he opened the convention.

Mr. Pell was appointed by President Roosevelt as Minister to Portugal and to Hungary and he served as the U.S. member of the United Nations Committee for Investigation of War Crimes in 1943. In addition to his abundant activity in the interest of his own country, he has been decorated by many European governments. His awards included trustee, Legion of Honor of France; Grand Cross, Order of Christ, Portugal; commander, Crown of Belgium; Order of White Lion, Czechoslovakia; and grand officer, Order Couronne, de Chene, Luxembourg.

Only recently the Library of Congress named Mr. Pell as honorary consultant in French bibliography and in this capacity it was his function to advise the Library of Congress on the development of its collections in French literature and history.

The country has lost a great, dedicated public servant, and I join his many friends in extending deep sympathy to his family.

NATIONAL LOTTERY OF FRANCE

Mr. FINO. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, I would like to bring to the attention of the Members of this House the National Lottery of France. Critics of the idea of a national lottery often try to say that such a plan would not result to much in the way of profit. It has been claimed that only a small percentage of the gross receipts would find their way into the Treasury. The French National Lottery, however, disproves this belief.

In France, one-third of the receipts of the national lottery are retained as profit by the Government. In 1960, gross receipts amounted to $133.8 million. The profit to the Government was $42.1 million. Quite a tidy sum, and the French applied it to their general budget.

Here in America, billions upon billions of dollars are gambled away annually. Can anyone doubt that the hardpressed taxpayer would like to see one-third of this money pour into the Treasury?

PREMIUM BOND LOTTERY IN GREAT BRITAIN

Mr. FINO. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. FINO. Mr. Speaker, I am happy to note a recent report from Great Britain indicating that the premium bond lottery has pumped more than $1 billion into the British Treasury in 5 years.

In 1956, when the premium bond lottery was proposed, many proper Britons

expressed shock, but the tremendous success of this program has quieted criticism and turned the so-called national vice into a national virtue of thrift. Indeed, Britons are becoming so lottery-minded that sales of premium bonds are accounting for almost as much money as the immensely popular football pools.

Britain's premium savings bonds have turned the nation's penchant for gambling into a national asset. The prizes awarded to the holders of lucky non-interest-bearing bonds cost the Government less than the amount they might normally be expected to pay in interest. At the same time, these bonds are demonstrably more popular than those normal bonds which cost the Exchequer a good deal more. In instituting this shrewd program, the British Government has shown considerable wisdom.

We in America can profit from the British example if we too are successful in overcoming the pious protestations of intolerant hypocrites. A national lottery in the United States could turn our gambling urge into a national asset. Once instituted, a national lottery would quickly bring such benefits and gain such popularity so as to silence its bluenose critics.

How long are we going to keep our head buried in the sand? When are we going to wake up and realize the merit of controlling rather than hopefully disregarding gambling? Let us exchange the rose colored glasses of wishful thinking for the more accurate lenses of financial reality.

WILLIAM RANDOLPH HEARST, CONGRATULATIONS

Mr. SCHERER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SCHERER. Mr. Speaker, in February of 1957, the Committee on Un-American Activities heard the testimony of Mr. Chiu-yuan Hu. He was in this country at that time as a special adviser to the Nationalist Chinese delegation to the United Nations. He was a member of the Nationalist Chinese Legislature and a professor of modern history at National Taiwan University. Mr. Hu told the committee, among other things, that the Communist Chinese in order to further their subversive activities, resorted to the narcotics traffic by exporting large quantities to Japan, Southeast Asia, Latin America, and even the United States.

He said there were two purposes for the stepped-up narcotics drive of Red China into other areas of Asia: First, to get hard currency and, second, to weaken the morale or resistance of the people of Asia to Communist penetration and subversion. Since Mr. Hu's testimony, very little additional information concerning the Communists' use of narcotics in connection with their subversive activities was developed until Mr. Lee Mortimer, well-known and capable columnist of the New York Mirror, began his fearless exposé in his column.

At great personal risk Mr. Mortimer gathered evidence which has linked the international Communist conspiracy with the underworld traffic in narcotics. Mr. Mortimer's findings, of course, support the testimony and predictions of Dr. Chiu-yuan Hu given to the committee more than 4 years ago.

Mr. Speaker, I have been told that great pressures have been applied against the Hearst newspapers to prevent the publication of material gathered by Mr. Mortimer. I want to take this opportunity as a member of the House Committee on Un-American Activities to commend Mr. William Randolph Hearst, Jr., editor of the Hearst newspapers, for his good citizenship and fine courage in resisting these pressures by permitting the publication of this information so that the American people may understand this diabolical facet of the Communist operation.

PERMISSION TO ADDRESS THE HOUSE

Mr. FINDLEY. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. GROSS. Mr. Speaker, I rise to offer a privileged motion.

The SPEAKER. Does the gentleman desire to take the gentleman from Illinois off his feet when he is about to make a 1-minute speech?

Mr. GROSS. I did not know the gentleman had been recognized, Mr. Speaker.

The SPEAKER. The gentleman from Illinois has unanimous consent to proceed for 1 minute. The gentleman is recognized.

MORE COMMUNIST TAKEOVER

Mr. FINDLEY. Mr. Speaker, on July 12 the Acting Premier of Communist Poland praised U.S. technical and economic cooperation. And why not? He was speaking at the opening of a new $2.5 million steel-galvanizing production line, the gift of American taxpayers to the Communists.

In April the same man had led an anti-American rally in Poland.

The Commerce Department recently lifted a longstanding ban on the sale to Communist nations of farm products subsidized by U.S. taxpayers.

With one hand the American taxpayer donates a new manufacturing plant to the Communists and helps to feed them. With the other he spends $43 billion a year for arms to combat communism.

Why do we fight the Communists with one hand and help them with the other?

CALL OF THE HOUSE

Mr. MORRIS. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 114]

Alford	Hébert	Powell
Alger	Holifield	Rivers, S.C.
Blitch	Kearns	Roberts
Bow	Kilburn	Rousselot
Boykin	Lankford	Scranton
Buckley	Mahon	Smith, Miss.
Cannon	Moeller	Walter
Davis, John W.	Moorehead, Ohio	Willis
Edmondson	Passman	
Granahan		

The SPEAKER. On this rollcall 407 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

REORGANIZATION PLAN NO. 5 OF 1961—NATIONAL LABOR RELATIONS BOARD

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 328) disapproving Reorganization Plan No. 5 transmitted to the Congress by the President on May 24, 1961; and pending that motion, I ask unanimous consent that debate on the resolution may continue not to exceed 5 hours, the time to be equally divided and controlled by the gentleman from Michigan [Mr. HOFFMAN] and myself.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. HOFFMAN of Michigan. Yes, Mr. Speaker, I object; 5 hours debate is altogether too much. I do not understand. The House is very, very anxious to get up these other plans. I think we ought to limit debate today and get through with No. 5.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

Mr. HOFFMAN of Michigan. Yes, Mr. Speaker, I object.

The SPEAKER. Does the gentleman from Florida have another request?

Mr. FASCELL. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 328.

The SPEAKER. Does the gentleman desire to submit a request regarding control of the time?

Mr. FASCELL. My motion is limited to going into Committee of the Whole, Mr. Speaker.

Mr. GROSS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GROSS. Mr. Speaker, under title 2, section 204 of the public law, paragraph (b) provides that such a motion may be made only by a person favoring the resolution. Is the gentleman from Florida in favor of the resolution, or does he disfavor the resolution?

The SPEAKER. Under the rules, the gentleman does not have to qualify in that respect on this particular motion.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent that debate be limited to 3 hours.

The SPEAKER. Is there objection to the request of the gentleman from Michigan?

Mr. McCORMACK. Reserving the right to object, Mr. Speaker, there is plenty of demand for time on this resolution. I think 5 hours is a reasonable period, so I shall have to object.

Mr. HOFFMAN of Michigan. Mr. Speaker, I ask unanimous consent that debate be limited to 4 hours.

Mr. McCORMACK. I object.

The SPEAKER. Objection is heard.

Without objection, the gentleman from Florida and the gentleman from Michigan will control the time.

There was no objection.

The SPEAKER. The question is on the motion offered by the gentleman from Florida that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of House Resolution 328.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the resolution (H. Res. 328) disapproving Reorganization Plan No. 5 transmitted to Congress by the President on May 24, 1961, with Mr. DAVIS of Tennessee in the chair.

The Clerk read the title of the resolution.

By unanimous consent, the first reading of the resolution was dispensed with.

The CHAIRMAN. Under the unanimous-consent agreement, the gentleman from Florida [Mr. FASCELL] will be recognized for not to exceed 5 hours, and the gentleman from Michigan [Mr. HOFFMAN] will be recognized for not to exceed 5 hours.

The Chair recognizes the gentleman from Florida [Mr. FASCELL].

Mr. FASCELL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we have under consideration today the resolution, House Resolution 328, a disapproval resolution, resolved that the House of Representatives does not favor the Reorganization Plan No. 5 transmitted to the Congress by the President on May 24, 1961.

Mr. Chairman, when this matter was before the Committee on Government Operations, it was acted upon and the decision was by a straight party line vote. I would submit, therefore, for those who are interested in the political situation that the situation with respect to this proposal is quite clear, and so far as I am concerned I will make no further references to that because I cannot imagine why it would be of any further interest. I will, however, address myself at length to the legal problems involved under the reorganization plan itself, because the action of the Government Operations Committee is such that it favors the plan going into effect.

Now, Mr. Chairman, this is a short plan and there is usually, as the old saying goes, more in heat developed over a few words than over lengthy volumes. Whether the heat developed in this case is proper or not from a purely legal standpoint it is, in my judgment, extremely debatable, and as I say I will not question anybody's politics. With that predicate, Mr. Chairman, I would like to read the reorganization plan itself:

In addition to its existing authority, the National Labor Relations Board, hereinafter referred to as the "Board."

Right there, Mr. Chairman, let me insert parenthetically I think it is very well for us to recall that we have a General Counsel who is independent by statute and who has certain fixed authorities and responsibilities, and that this plan deals with the Board and not with the General Counsel.

Mr. Chairman, I was reading from the reorganizaiton plan itself:

In addition to its existing authority, the National Labor Relations Board, hereinafter referred to as the "Board", shall have the authority to delegate, by published order or rule, any of its functions to a division of the Board, an individual Board member, a hearing examiner, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting or other wise acting as to any work, business, or matter: *Provided, however,* That nothing herein contained shall be deemed to supersede the provisions of section 8(a) of the Administrative Procedure Act (60 Stat. 241), as amended.

At that point let me stop again to insert parenthetically that the Board deals with two classes of cases, representation cases and unfair labor practice cases. In the previous act of Congress we have already provided the authority for the Board to delegate its authority with respect to representation cases; and that has been done and has been in practice and is in the regional offices now; so this plan which is before us for consideration does not affect the General Counsel nor does it affect the representation cases before the National Labor Relations Board insofar as the delegation of authority is concerned. Therefore, this plan deals specifically and primarily with unfair labor practice cases, that is, adversary cases under the Board. Hence the importance of the proviso with respect to the applicability of 7(a) of the Administrative Procedure Act, which requires that in hearing cases the matter be heard by a trial examiner.

Subsection (b) with respect to the delegation of any of its functions:

As provided in subsection (a) of this section the Board shall retain a discretionary right to review the action of any subdivision of the Board, individual Board member, hearing examiner, employee, or employee board upon its own initiative—

That is, the Board's initiative—

or upon the petition of parties to or an intervenor in such case within such time and in such manner as the Board shall by rule prescribe.

I want to point out right here to those who are interested again in the pure law of the subject—and that might be a little bit boring to nonlawyers—that the word "shall" is used with respect to the requirement that the Board:

Shall prescribe by rule, the right for review, mandatory: *Provided, however,* That the vote of the majority of the Board less one member thereof shall be sufficient to bring any such action before the Board for review.

Subsection (c): Should the right to exercise such discretionary review be declined, or should no such review be sought within the time stated in the rule promulgated by the Board, then the action of any such division of the Board, individual board member, hearing examiner, employee, or employee member shall for all purposes including appeal or review thereof be deemed to be the action of the Board.

This language sounds familiar, because it has been in the other reorganization plans which we have heretofore considered, and you would think that most of the arguments and discussion with respect to the language and the applicability of that language would have been thoroughly discussed, but with respect to the particular operation of this Board perhaps it has not been; and so I would like to address myself to that question.

The Board itself approves this plan. One member of the Board is a former chairman of the Board in the last administration. He wholeheartedly approves this plan.

The theory of the plan has been supported by the American Bar Association, the chairman of the legislative committee, and the chairman of the legislative subcommittee, that is, Education and Labor and its National Labor Relations Board Subcommittee both supporting the plan.

Other groups, Mr. Chairman, and their position on this subject matter are the chamber of commerce, that oppose the plan, the National Association of Manufacturers that oppose the plan, and labor groups that generally support the plan. That is a complete roundup for the edification of the Members.

While there is some disagreement on the applicability of the provisions here, and there is some division of opinion politically, there is pretty general agreement on the fact that something needs to be done with respect to making it possible for this Board to render the kind of service the Congress intended it to render in the public interest, in the interest of the employer, and in the interest of the employee. There are some who want to say that this is not the way to do it, we ought to do it some other way, or this does not go far enough, we ought to do something else in addition. There are some who say this goes too far and we should limit it in some way.

All of these arguments may have a bearing on the eventual question of what are we, the Congress, going to do to help these regulatory agencies do the job. The Congress determined that they should do it in the public interest and set up this administrative system in order to make it possible. I am not going to get into the question at all with those who want to do away with the National Labor Relations Board altogether, because they do not like it for one reason

or other, or those who want to do away with the administrative setup.

We had a specific matter before our committee on the recommendation of the Executive which, in his best judgment, provided a means for improving and expediting the operations of these agencies. This is one of them. Within the framework of what was presented to us, within the limits of our jurisdiction and capability, we acted on what was before us. It certainly is not within our province to go beyond that, and I do not need to explain.

I would have no quarrel with whatever proposal anybody may have that might be brought up for consideration of the legislative committee or some other type of reorganization plan, its abolition or changes in the statute. That is well and good. But as far as I am concerned, these are not matters which are under consideration at this time by the House. I would hope that in the course of this lengthy dissertation and discussion of what seems to be an important and sensitive matter we may confine ourselves to the framework of the subject matter before us. I, for one, will certainly do that.

I was discussing the general agreement about something needing to be done. The National Labor Relations Board is no exception to the problems that have risen in our administrative field. We just seem to have grown like Topsy with respect to these matters relating to regulatory agencies. The National Labor Relations Board has become a prime example of an agency which has been literally overcome by a flood of work.

The total number of petitions and charges filed each year with the Board averaged about 14,000 during the first 10 years of the Taft-Hartley Act. Then the case load started soaring, and it is expected that over 22,000 petitions and charges will be filed in 1961. The total number of contested proceedings rose from 430 on June 30, 1957, to almost 1,100 on June 1, 1961. While the Board has been able to increase its production from 2,100 formal decisions in the fiscal year 1958 to 2,800 in the fiscal year 1960, Mr. Chairman, it has not been able to keep up with the tremendous increase in the number of matters sent to it.

Unfair labor practices cases—that is that category with which this plan specifically or primarily deals—now constitute the majority of cases filed with the Board. In the fiscal year 1957 there were 5,500 unfair labor practices cases filed. The figures through April of 1961 indicate the total of such cases in the fiscal year 1961 will exceed 11,700.

A current study shows that the median time from the filing of an unfair labor practice charge to a Board decision is 402 days—402 days, over 1 year. And, this is the median. Now, maybe the big guy does not need it. Maybe the big fellow can take care of himself, and perhaps the big guy is delighted with the fact that whatever his problem is, it is completely enmeshed in the turmoil and the delays of regulatory procedure.

Now, that may be great from the standpoint of a business advantage. It may be absolutely delightful from the standpoint of a labor union, but it is absolutely an impossible and intolerable condition when you apply it to the principal purpose, which is in the public interest, to resolve these matters as quickly as possible, expeditiously and fairly.

But, take the little guy who is faced with this problem, the little employer or the little labor union, and let him get enmeshed in this thing when he is not equipped financially or by desire to hire a battery of attorneys and accountants and auditors and other experts and get into this thing and embroil himself for a median time of 402 days.

Now, you may want to argue about it, you may want to disagree with me about it, but the logic of it is there stark with reality, because we know that that man is being killed, that employer or that employee organization is being killed by the very device which we, as representatives of the people, set up to help him in the public interest. If this kind of situation makes sense to somebody, the logic of it escapes me. I personally, Mr. Chairman, as well as the majority of our committee, feel that this plan under consideration gives us some reasonable opportunity to do something about this. I am the last one to claim that this is going to cure all of the ills; that what has been proposed will cure all of the regulatory and adjudicatory problems that this great growing Government and land of ours has. But, I think when we get through with the discussion, any fairminded person will have to admit or agree that there is some reasonableness in allowing the Board to take the action which this plan would allow it to take.

As I was saying, Mr. Chairman, current studies show that the median time from the filing of an unfair labor practice charge to a Board decision is 402 days. The period between the trial examiner's intermediate report and the Board decision consumed 195 of this total. Almost 400 additional days are consumed between the Board decision and the time an effective judicial decree compelling compliance with the Board action is issued. The total elapsed time of approximately 2¼ years from the time an unfair labor charge is filed to an effective judicial decree results, for practical purposes, in the denial of justice in many, many instances. As stated by the Advisory Panel on Labor-Management Relations Law (popularly known as the Cox Committee), which presented a report for President Kennedy on February 20, 1960, at the time he was Senator—this document I am talking about is "Organization and Procedure of the National Labor Relations Board," Senate Document 81, 86th Congress, 2d session:

> In labor-management relations justice delayed is often justice denied. A remedy granted more than 2 years after the event will bear little relation to the human situation which gave rise to the need for Government intervention.

In its report to the Senate, the Cox Committee recommended that the Board's review of examiners' decisions be made discretionary and that the trial examiner's reports be made final in all cases in which review is denied.

That is the crux of the present plan which is before us for consideration.

Testimony before the committee indicated that often the delays which occur under the act are the result of deliberate actions on the part of the attorneys for one or the other of the parties in a proceeding. I think we all recognize that fact, that good lawyers will take advantage of every procedural aspect if they feel their case is a little weak, or they need a little jockeying time, or for other reasons. I do not particularly condemn it, being a lawyer myself, but the fact is there, that as a matter of good legal practice, but perhaps as a matter of bad public service, a good lawyer will in the interest of his client rightfully take advantage of every technical procedural device and delay which is possible. I think everybody generally was agreed, Mr. Chairman, in discussing this matter, both in the committee and many with whom I have discussed it, that this question of time is really an intolerable situation and we ought, all of us, to try to come up with some answer.

The Chairman of the National Labor Relations Board, who presented the unanimous recommendation of the Board that plan No. 5 be allowed to go into effect, stated that the Board estimated that the 400-day median period now found in unfair labor practice cases before the Board could be reduced to 260 days in instances where a petition for full-scale Board review is denied under the plan. In cases where the petition is granted, the overall reduction of cases before the Board made possible by the plan would result in an estimated median period of 300 days, or a reduction of 105 days in that case. This would mean a savings in time of 140 days in the first instance and approximately 100 days in the second. Thus, even though the parties are determined to take their proceeding to the U.S. courts of appeals for judicial review, they will get there much faster under procedures which may be developed under the plan; because if they get the decision of the trial examiner, and under the mandatory requirement they follow the procedure for review to the Board, and the Board denies the full review, in that particular class of cases then the party, of course, would be entitled to file his petition for judicial review.

In discussing the possibility of the categories of matters, the Board said that Board review could thus be limited to cases in which there are, in the judgment of at least two members of the Board, demonstrable errors of fact or failures to afford fair procedure, and to cases presenting substantial, novel, or important questions of law or administrative policy.

In all other cases where the board review is not sought, as, for example, under the present law, if exceptions are not filed to the trial examiner's decision, under present law that decision becomes final. I believe it is in 24 percent of the cases that no action was taken from the trial examiner's decision. They are allowed to become final under the present law. As in that case under the present

law, under the proposal the applicant could go directly into a judicial review. In that case certainly this plan would make no difference whatever.

I want to repeat that. In other words, if a decision becomes final under the present law the applicant can go directly into the circuit court of appeals on a petition. Under the proposed plan, if a decision becomes final by the trial examiner the applicant can go by petition into the circuit court of appeals for a judicial review.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield.

Mr. HOFFMAN of Michigan. Will the gentleman explain that a little bit more? I just do not understand it.

Mr. FASCELL. I will be very happy to do so. The gentleman from Michigan has asked me that question. I welcome the opportunity to discuss it in great detail.

Mr. HOFFMAN of Michigan. I knew the gentleman would, and more at length, please.

Mr. FASCELL. And a little slower.

So as I was saying, Mr. Chairman, as the gentleman from Michigan has requested me to say——

Mr. HOFFMAN of Michigan. I want to be helpful, if the gentleman will yield.

Mr. FASCELL. The situation is exactly the same under the present law and under the proposed law with respect to the right to judicial review when a decision becomes final by the trial examiner.

I want to recall to you that in setting up the category of cases under the plan the Board must set this up by published order and rules. The plan says "shall prescribe the method." Then there is a very important proviso which says that two members of the Board may bring the matter before the entire Board for full review. So that while under the proposal under published rule or order you might have a review procedure in the nature of certiorari in which the Board in exercising its discretion would refuse to grant full review, nevertheless protection is provided in the plan that any two members could bring it to the full Board for full review.

Under the present plan in those cases heard by the trial examiners in which the applicant disagrees he files his exceptions and goes to the Board and obtains a full review. The difference therefore between the existing law and the proposed plan very clearly is only in relation to that class which the Board by published rule or order would designate by a certiorari type of review, and in the denial of the full review the action of the trial examiner would become final.

Otherwise, all other cases would follow exactly the same administrative practice and procedure which is now followed, and that is it would go to the full Board for a full review, after which the applicant would be entitled to the same right for judicial review. So in that case we have not and do not disturb in any sense the applicant's substantive rights.

There seems to be considerable question, Mr. Chairman, and certainly I was very interested in it myself and interrogated on this question in committee and pursued the matter subsequently, as to the review rights of the applicant to determine just how major this thing was and what changes it made, which some groups have said would in some way, which has frankly escaped me, destroy labor-management relations or give some great advantage to labor unions which they do not now enjoy, or in some other way be detrimental. Now I know how it is easy to make these kinds of statements to whip up a little enthusiasm in the right places in order to have something to hang hats on, and I will not quarrel with that at all. But, I believe we can very dispassionately determine the question as a matter or law and, therefore, I seek to do this in good conscience and for the legislative record so that there will be no question about it if it becomes a matter of judicial interpretation, and to those who would be willing to be swayed by my logic and by my citations, I welcome the opportunity to have you join my persuasive position.

Review of the Board's final orders in the courts of appeals is provided, as those of you who are on the legislative committee and as those of you who are labor law practitioners realize in sections 10(e) and 10(f) of the National Labor Relations Act. Since this is the heart of the divergence of opinion on which it is alleged that reasonable men could differ, I believe it is important to place in the RECORD the exact language. I am reading now from section 10(f) of the Labor-Management Relations Act, as amended, in 1959:

> Any person aggrieved by final order of the Board granting or denying, in whole or in part, the relief sought may obtain a review of such order in any supreme court of appeals of the United States in the circuit court wherein the unfair labor practice in question was alleged to have been engaged in or wherein such person resides or transacts business or in the United States Court of Appeals for the District of Columbia by filing in such court a written petition praying that the orders of the Board be modified or set aside.

Mr. FASCELL. I now yield to the gentleman from Michigan.

Mr. GRIFFIN. Perhaps the distinguished gentleman from Florida will allow me to use some of his time in order to make the record a bit more complete. Would the gentleman agree with me that the Labor Management Relations Act also provides that no argument or objection that has not been urged before the National Labor Relations Board will be considered upon review by the court of appeals unless the failure or neglect to urge such objection before the Board is due to extraordinary circumstances?

I ask that question because the gentleman from Florida observed earlier that, under the present law, a litigant can refuse or fail to file exceptions with the Board, thereby allowing the intermediate report of the trial examiner to become final, and then go directly to the court of appeals without going to the Board. Of course, the gentleman is technically correct. But if the litigant should fail to file exceptions with the Board as to findings made by the trial examiner, he would, I believe, waive his right to make an argument on those points before the court of appeals. Is that correct?

Mr. FASCELL. The gentleman is very correct, but if I had a lawyer who did not look after my interests any better than that I would get myself a new lawyer.

Mr. GRIFFIN. I just wanted the point established.

Mr. FASCELL. It is possible for a lawyer to make that kind of argument, but I am not thinking of that kind of case. Ordinarily, the lawyer would protect the rights of the litigant by filing a petition with the Board in the nature of certiorari, or review, or whatever pleading is necessary for him to protect his client, drawn in the broadest terms.

Mr. GRIFFIN. I think we can agree. The fact is that although a litigant technically can circumvent the Board and appeal directly to the courts, in actual practice he might be very foolish to do it. Let me draw attention to another part of this same section of the law relating to rights on appeal.

Mr. FASCELL. Will the gentleman tell me what section he is referring to?

Mr. GRIFFIN. I refer now to a portion of section 10(e) of the Labor-Management Relations Act of 1947, and I quote:

> The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive.

It is very important to understand, with respect to the right of review, that plan No. 5 proposes to elevate what is now referred to as an intermediate report by a hearing examiner to the status of a final and binding judicial decision, from which there would be no review by the Board except at its discretion.

Earlier, I believe that the gentleman from Florida indicated that plan No. 5 provides for a mandatory review. But section 2 of the plan says merely that "the Board shall retain a discretionary right to review." It should be emphasized that this is only a discretionary right of review. For example, it is not likely that the Board, in its discretion, would review and upset the findings of fact made by a hearing examiner if there were substantial evidence in the record to support them, and such findings by a trial examiner would then be conclusive as to the court of appeals. I believe that this is a very important point which should be kept in mind.

Mr. FASCELL. I am glad the gentleman brought that point out. It is exactly the law as the gentleman read out of the National Labor Relations Act and as I developed the matter by further discussion. I will submit for the record that we do not change that law in any aspect. As a matter of fact, I may state it right now, that section 10(e) of the Taft-Hartley Act is not dealt with; and, therefore, whatever determination is made by law in that section is still the law. The gentleman is absolutely cor-

rect with reference to the criteria established by the Taft-Hartley Act.

But that does not change the situation in any respect of the applicant's rights under the plan. I would hope to develop that in order to answer or to make clear the discussion which the gentleman has brought about, because I agree with him this is the main difficulty or the main point of objection by some people.

Mr. GRIFFIN. If the gentleman from Florida will yield further, let me emphasize my point by saying that, at the present time, a trial examiner could make a finding of fact which might be supported by substantial evidence in the record, but not by the preponderance of such evidence. As I understand it, the litigant could now file exceptions and obtain a de novo review of the case by the Board.

Mr. FASCELL. I will have to correct the record right there. I do not agree with the gentleman at all. While the gentleman is entitled to his own opinion and interpretation, I want the record clear that I do not agree with him.

Mr. GRIFFIN. If I may go on, a litigant, at the present time, can obtain a de novo review in an unfair labor practice case by the Board. Under the existing law, a finding of fact by the Board, if supported by substantial evidence is conclusive on the court of appeals. But under the proposed reorganization plan, we would be cutting out an important right which a litigant now has to have findings of fact reviewed by the Board.

Mr. FASCELL. I do not want to yield further on that point because I want to have the record clear that I do not agree with the conclusion of the gentleman as a matter of law on that point. I want to develop it right now.

Mr. POFF. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Virginia.

Mr. POFF. Under the present law it is true, is it not, that a party litigant has the mandatory right of review by the Board in unfair labor practice cases, and in so-called representation cases, the right of appeal is discretionary with the Board.

Mr. FASCELL. Will the gentleman restate his question again?

Mr. POFF. Under the present law a party litigant has a mandatory right of review——

Mr. FASCELL. Right there. Will the gentleman give me the section of the law on that, not what he guesses?

Mr. POFF. I was coming to that. A party litigant has the mandatory right of review in unfair labor practice cases as distinguished from representation cases. In the latter type of cases the right of review is discretionary with the Board upon a majority vote of the Board.

Mr. FASCELL. And also, as I understand it, and we can get the exact law so that we may resolve our differences, an applicant has a right to file exceptions to the trial examiner's report.

Mr. POFF. In unfair labor practice cases he is entitled as a matter of law to a review by the Board. Under the reorganization plan, he will no longer enjoy that mandatory right. Rather, the right will be dependent upon a vote of at least one less than a majority of the Board.

Mr. FASCELL. I am not sure that the gentleman is quoting the statute.

Mr. POFF. I can assure the gentleman I am.

Mr. MEADER. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Michigan.

Mr. MEADER. Section 10(c) of the Labor Management Relations Act of 1947 reads, in part, as follows:

> The testimony taken by such member, agent or agency, or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action, including reinstatement of employees with or without backpay, as will effectuate the policies of this act.

Now, under the law, as I interpret the act which I have just read, the findings of fact are actually the act of the Board itself, based upon testimony taken by a trial examiner and covered in his intermediate report, which automatically goes to the Board. The findings of fact are made by the Board and not the trial examiner. He simply makes a recommendation.

Now, this reorganization plan would authorize the Board to vest in a trial examiner the power of the Board to issue a cease and desist order and to order reinstatement with backpay. Therefore, it seems to me that the gentleman from Virginia is making a point, although I do not like to call it an appeal, because at the present time the trial examiner does not make an order.

Mr. FASCELL. Except that the trial examiner's decision under the present law becomes final if exceptions are not filed in 20 days. So, largely in those cases it is exactly the same except in one respect.

Mr. MEADER. Mr. Chairman, will the gentleman yield further?

Mr. FASCELL. I will not yield further until I am through with a full explanation of my point, and then you gentlemen can go on and develop it.

Certainly, the purpose of the plan is, in a certain class of cases, by published rule and order, to prevent full review in every case. I read the testimony of the chairman of the Board that this was the principal purpose of the plan. It is abundantly clear that this is the whole purpose of the thing, and that is to provide authority in the Board by published rule and order to make it possible for them to turn down full review in a certain class of cases designated by them and to make the trial examiner's decision final in the same way as the Board's decision becomes final; in the same way that under the present law the trial examiner's decision now becomes final when exceptions are not filed within a 20-day period; in the same way the applicant can go to court for a judicial review.

Now let us go back to the question of fact and findings and see what changes have been made as a matter of law; not interpretation. First of all, on the question of whether or not the plan will affect judicial review, in those cases where the Board, in exercising its discretion, determines not to review the trail examiner's findings and conclusions, under the published rules and regulations and procedures the decision of the trial examiner becomes final. The same review procedures will be available to the parties under the plan as are now available. Thus, a court review directly from the trial examiner's decision or intermediate report will be and is a matter of right, just as a court review from the Board's decision and order now is. In other words, the plan makes the trial examiner's decision final in those cases where the Board declines to review it and it becomes the Board's action.

Now, as to the scope of such review—I am talking strictly now about judicial review and lay aside for the moment the question of the intermediate administrative step of going to the full Board for full review; I am talking now about simply the scope of the judicial review. Is there any difference in that? Of course, the answer is "No." As to pure questions of fact, the statutory standards as construed by the Supreme Court are found in cases such as *Universal Camera Corporation* v. *NLRB* (340 U.S. 474).

As in the case of the *National Labor Relations Board* v. *Pittsburgh* (SS 340 U.S.C. 498), it will be the same with respect to trial examiners' factfindings as with respect to Board factfindings, because we make the examiner's action the action of the Board. That is the present law now. That is where no exceptions are filed.

Mr. MEADER. I wonder if the gentleman would yield on that point?

Mr. FASCELL. I yield to the gentleman from Michigan.

Mr. MEADER. Is the gentleman not familiar with Supreme Court decisions and lower Federal court decisions which hold that these boards are experts in their field and that the courts do not wish to substitute the judgment or reaction of the court to the evidence, because, they say, there is an expertise in these boards, and that therefore the facts found by these experts, so-called, are even of greater binding effect than a court finding or a jury finding in a regular civil suit.

Mr. FASCELL. I am familiar with the cases. I do not agree with the gentleman's conclusion. I have respect for him as a lawyer and an able colleague on the committee, but I must remind the gentleman—and I will recite the cases when we get to them—that is not now the sole criteria. There is a greater responsibility on the court in reaching a decision, and I will get into those cases.

Now, to the extent that the erroneous findings are based on credibility determination, the Board itself has utilized the rule that the findings will not be overturned unless clearly erroneous. That is the *Standard Dry Wall Company* (91 NLRB 544, 188 Fed. 2d 362).

Right on that point we were just discussing, to the extent that the erroneous findings are based on credibility determinations, the Board itself has utilized the rule that the findings will not be overturned unless "clearly erroneous," following in substance the Supreme Court's dictate in the Pittsburgh case, because a credibility finding of the trier of the facts should not be reversed unless it "carries its own death wound" (337 U.S. 360). There is no change in that criteria.

For practical purposes this has resulted in the affirmance by the Board of trial examiners' credibility resolutions in the vast majority of the cases. So, there is no change made in that law at all by this plan—none. There cannot be. That is case law, and the courts of appeals have been equally loath to disturb credibility resolutions.

I should like to give citations for the record in case anybody really wants to rack this thing up. *NLRB* v. *Dinion Coil Company, Inc.* (201 Fed. 2d 484), and there are some others: the South Land Manufacturing case, the Philadelphia Iron Works case, and the Cambria Clay Products case.

I gave these citations: *Dinion Coil Co., Inc.* (201 F. 2d 484); *Southland Mfg. Co.* (201 F. 2d 244); *Philadelphia Iron Works* (211 F. 2d 937); and *Cambria Clay Products* (215 F. 2d 48).

For practical purposes this has resulted in the adoption of the trial examiners' credibility resolutions in the vast majority of cases under their own adopted standard, and the court of appeals have been equally loath to disturb the credibility resolutions.

It is a fact, under the general rule of law with which we are all familiar, that that appellate court is going to be very reluctant to disturb the findings of fact made by the trier or the jury, who saw the witnesses, who heard the witnesses, and who were personally present. They are not going to substitute the cold record in the judgment on review. For that, that is the present law. We do not change that in any respect. So how does the applicant get hurt?

Let us not forget this, either. Under the act itself we do not have the right of trial de novo. You do not have the trial de novo administratively. Yes, you have the review on the record, but even the act says, as it certainly should as a matter of good law, that either party may apply to the court for leave to produce additional evidence. We know what the general rule of applicability is with respect to production of additional evidence on review. You are going to have the substantial grounds laid down in the statute to get that additional evidence to the court.

If you are going to follow good judicial practice, some place you have to have a trial. That is elementary. We have it now with the trial examiner, and we do not change it under the proposal. We still have ample safeguards both on judicial review and on administrative review.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Michigan.

Mr. GRIFFIN. If I understand the point the gentleman was making, he cited several cases which indicate that the Board and the courts are loath, as I believe, to refuse to follow determinations by the trial examiner with respect to the credibility of a witness? The gentleman was referring to the credibility of a witness, is that the point?

Mr. FASCELL. The credibility resolution, that is right. In the testimony that is to be resolved.

Mr. GRIFFIN. Can we understand and agree that determination as to the credibility of a particular witness and certainly a hearing examiner who saw and heard the witness testify would be peculiarly qualified to make such a determination is a different matter than a finding of fact based on the record. At the present time it is my understanding that the Board, in most cases, may accept a resolution by the trial examiner with respect to credibility, but the Board will still afford a complete and full review of the record. Even though there might be substantial evidence in the record to support a finding of fact made by a trial examiner, if the preponderance of evidence in the record entitled to credibility indicated a different conclusion, the Board could alter or reverse the finding of fact made by the trial examiner. Is that correct?

Mr. FASCELL. I had not gotten that far in my discussion, but I will say for some years now there has not been the reluctance in the courts to make a different finding of fact. And I will say to the gentleman, there is a difference between a determination and an evaluation and a resolution of credibility. There is no question about that, and there is no argument about it.

Now getting back to the question of judicial review for a moment:

> Direct review of a trial examiner's report insofar as credibility resolutions are concerned then is in the same posture as review after Board consideration.

If the Board is loath to do it, the courts are loath to do it.

In neither situation is it likely that the credibility resolutions will be overturned, but if the Board would have been able to apply its "clearly erroneous" test to reverse the credibility resolution, the court would be equally able to reverse the resolution under the criteria which I read earlier in the Pittsburgh case.

The CHAIRMAN. The gentleman from Florida has consumed 1 hour.

Mr. FASCELL. Thank you, Mr. Chairman, but I would like to finish this particular presentation on this point.

The CHAIRMAN. Without objection, the gentleman may proceed.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. FASCELL. Mr. Chairman, I am very appreciative of the solicitude of my colleague. I will say I probably will not need it because I will be happy to let somebody else talk as soon as I am through with this point that I am making with respect to judicial review, and also getting into the question of the administrative review. I just want to take the time to be as explicit as I possibly can with respect to my own position and the majority position of the committee with respect to the legal matters. As I say, I leave it to everybody who wants to use their own best judgment to use any excuse to hang their hat on, but as far as the law is concerned, I want to be as reasonable and as logical as I can to hang my hat and make my decision on that question.

Now the factfindings that involve not credibility resolutions, but evaluation of evidence and the drawing of inferences from undisputed facts or facts resulting from credibility resolutions, would be no different from direct review of a trial examiner's intermediate report and review as it presently stands after Board decision and order, because his action, that is the trial examiner's action, is final and it is in the same position as a matter of law on noncredibility resolution matters as it is now in those cases where you either have a Board decision affirming the findings of the trial examiner or you go directly into court, because no exceptions have been filed with the trial examiner's report within the prescribed period of time.

So you have absolutely no distinction as a matter of law.

In both situations, Universal Camera case, and I gave the citation earlier, standards will apply, even if the courts of appeal tend to give more weight to a Board factual finding that is the same as a trial examiner, as they do to a Board reversal of the facts found by a trial examiner—for the very same reasons I have already ascribed. See *N.L.R.B.* v. *Thompson Company* (208 Fed. 2d, p. 743–746) where the circuit court judge, Learned Hand, pointed out:

> Over and over again we have refused to upset findings of an examiner that the Board has affirmed not because we felt satisfied that we should have come out the same way had we seen the witnesses, but because we felt bound to allow for the possible cogency of the evidence that words do not preserve.
>
> We do not see any rational escape from accepting a finding unless we can say that the corroboration of the last evidence could not have been enough to satisfy any doubts raised by the words, and it must be owned that few findings will not survive such a test.

I think the Universal Camera case mandate that the courts must now assume more responsibility for the reasonableness and fairness of the Labor Board decisions than the same courts have shown in the past has permitted the courts to refuse to accept findings of fact by a Board examiner.

I have a whole list of citations that I shall put in the RECORD.

We do not change that rule of law in any way. We all know and admit that you do not get a trial de novo where you can adduce all your evidence all over again—we do not want to.

That last statement I made dealing with the courts assuming responsibility and so forth is supported by the following citations: *N.L.R.B.* v. *Walton Company* (285 Fed. 2, 26); *N.L.R.B.* v. *Gibbs Corporation* (284 Fed. 2, 409); N.L.R.B. against Rickel Bros.; N.L.R.B. M–2153; and a whole host of others. Anybody can have them if they are interested in the cases.

Mr. Chairman, I have been cautious and explicit and have laid down the citations with respect to the rules of law because I believe any fairminded lawyer believes, and I certainly hope that fairminded laymen will join us—and agrees that the plan in no sense changes the criteria or standard of case law with respect to judicial review. If it does, and we have tried to be very careful and cautious about this thing, we would like to have a citation submitted for the record so we can get a clear interpretation of this matter in the legislative record and so that the congressional intent will be clear; and it is clear as far as the committee is concerned and as far as the gentleman from Florida is concerned who is now speaking, that we do not expect by this plan, nor do we intend by this plan in any way to affect, these substantive judicial rights of an applicant.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield.

Mr. GRIFFIN. Is the gentleman in a position to do so? Will he kindly tell the House upon what grounds will the NLRB review a decision by a hearing examiner if this plan No. 5 should become law?

Mr. FASCELL. First of all, as the gentleman knows, under the plan with respect to the question he has raised on the discretionary right of review:

> It will be done within such time and in such manner as the Board shall prescribe by rule.

I understand the gentleman's point. He has asked a question that is very clear. The Chairman of the Board discussed this very matter.

Mr. GRIFFIN. Never mind what the Chairman of the Board has said. The fact is, of course, that we do not know at this point on what grounds, or when, or in what cases the Board, in the exercise of its discretion, would actually review a case. The only thing we do know is that a majority of the Board, less one, could vote to take up a case. But that is the only thing that we are sure of so far as review by the Board is concerned.

Mr. FASCELL. No. We know several other things besides that.

First of all, I agree that a rule has not been published as yet. The plan provides that the Board shall have the right to publish that rule, but we have not let the plan go into effect, so the Board cannot publish a rule.

Mr. GRIFFIN. Will the gentleman permit this observation?

I believe he made the statement this plan in no way upsets the right of review.

Mr. FASCELL. Wait a minute. I did not make that statement.

Mr. GRIFFIN. The right of judicial review?

Mr. FASCELL. I did not even make that kind of a statement.

Mr. GRIFFIN. That was my impression.

Mr. FASCELL. I am sorry the gentleman got that impression. But go ahead and ask your question.

Mr. GRIFFIN. Regardless of what rules the Board may be applying now, and notwithstanding the decisions cited by the gentleman from Florida, the fact is that we do not know now what the Board will determine or what rules it will promulgate from time to time with respect to Board review—if plan 5 should go into effect.

Mr. FASCELL. The gentleman may be correct. The gentleman does not know, nor does he have any way of knowing, what the Board is going to do tomorrow.

Mr. GRIFFIN. That is true.

Mr. FASCELL. I do not know what the Board is going to do tomorrow or the day after or after we pass another plan.

Mr. GRIFFIN. We know at the present time that litigants can have an unfair laobr practice case decided by the Board.

Mr. FASCELL. Wait a minute. That may be true, but you also have a chance to be heard under the plan. So I cannot see where that is any great point.

Mr. PUCINSKI. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Illinois.

Mr. PUCINSKI. I wonder if the gentleman from Michigan who raised the initial question on this point would like to refresh my recollection as to whether or not any specific procedures for review were provided in the 1959 Labor Reform Act.

Mr. GRIFFIN. That is a good question, and I intended to cover that point at length. As a matter of fact, in 1959 this matter of the caseload of the NLRB was reviewed by the Congress. In the labor law passed in 1959, this Congress decided that the NLRB could delegate the handling of representation cases to regional directors of the Board. But R cases, as they are called, are not adversary proceedings and do not involve the award of huge amounts of money. As to representation cases only, Congress in 1959 authorized the Board to delegate its power to regional directors and to retain a discretionary right of review.

Mr. PUCINSKI. The gentleman is setting up a specific procedure under that rule.

Mr. GRIFFIN. No. The Congress was willing to grant to the Board that much power in representation cases only.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman is making a very lengthy and enlightening statement. I am sure we are all interested in it. But since this matter of review has come up, I do not know who advised President Kennedy or who wrote the message of transmittal up here, but it contains a very seriously mistaken assumption. As the gentleman knows, the provision for determination of the right of review can be by a majority less one. That in the transmittal message is referred to in these terms:

> Provision is also made, in order to maintain the fundamental bipartisan concept in the basic statute creating the Board, for mandatory review of any such decision, report, or certification upon the vote of a majority of the Board, less one member.

The fact of the matter is that there is nothing in the basic statute that makes the NLRB bipartisan. It happens by sheer accident that there are presently two Republicans on the Board and three Democrats. Some Democrats were appointed by President Eisenhower to maintain the bipartisan aspect, but there is nothing in the basic statute that requires it. As a matter of fact, the terms of the two Republican members run out in 2 years, and if President Kennedy saw fit he could have all Democrats on the Board. So this provision that apparently was put in here to safeguard in some measure the rights of people who might seek a review is absolutely meaningless.

Mr. FASCELL. I would not want to disagree completely and fundamentally with the distinguished minority leader, but I am going to take a little piece.

First of all, I did not read any reference to a statute with respect to the bipartisan aspect of the Board. I agree completely it is entirely possible to have two members wearing three blue feathers and all be Democrats.

It is entirely possible. I will not argue about that. Now, I would say this, if there are some objections about that possibility, we ought to investigate the statute by which this was created, and that is fine; that is OK with me; but I do not want to get into that now. I have enough trouble just talking about Reorganization Plan No. 5.

Mr. HALLECK. The only reason I brought up the point at all is that we are talking about review and it is highly important that we consider it. Now, here it is obvious that this plan and the transmittal of the plan proceeded upon an assumption that is not valid. It proceeded upon the assumption, as the words clearly indicate, that the basic statute creating the NLRB provided for bipartisanship, which would mean no more than three members of any one party. I bring that up because it seems to me there are many other reasons why this plan should be defeated, many good reasons, but that is certainly one, because whether you think the statute should be that way or not, the fact of the matter is that many of these quasi-legislative independent agencies of the Government are bipartisan in their character by statute, and the NLRB is not in that category. So, the presentation that is made here in support of this plan, which undertakes to protect the rights of the minorities in rights of review, just is not valid and cannot be sustained.

Mr. FASCELL. Well, I can feel for the minority leader's position, and I sympathize with him completely, and maybe if I was in his shoes, I would say

the same thing; I do not know. But on the basis of what it says, both in the transmittal and what the plan says, the gentleman is absolutley and eminently correct with respect to the possibilities of membership on the Board. But, that is the present law. We do not touch it. It may not be the law tomorrow; I do not know. And, if it is a big problem on your side, maybe we should discuss it in the legislative committee. But, that is not an issue with respect to this particular plan on the question of judicial review, No. 1, because I submit the record is abundantly clear that we do not affect judicial review in any sense. And, this is the primary issue, the right of the applicant to be heard in court.

Now, I am going to submit before we get through here that on the question of administrative review, that what we have said is in the plan is exactly what it does by case law and nothing else.

I think it is appropriate at this point on the question of administrative review to reemphasize again, now that I have terminated as far as I am concerned my part of the discussion dealing with the question of substantive rights and judicial review, to clarify our position with respect to the rights of administrative review, in those categories of cases where by published rule the Board retains the right of review; in other words, where it is not discretionary. We do not exercise any discretionary right, whatever those cases may be; however, they are provided for by rule.

But in that class where there is no discretionary right exercised, the right of the applicant is no different administratively than it is now because, after all, the plan deals strictly with the power of the Board to provide for discretionary review in the class of cases which by rule it adopts.

Now, obviously in those classes of cases not covered by the rule there cannot be any change in the administrative right of review by the applicant which means, therefore, that in those classes of cases where discretionary right of review has not been reserved by a rule, the applicant can on the filing of exceptions go to the full Board for "full review on the record." If under the present law he is entitled by rule, practice, procedure, case law, statute or otherwise to adduce additional evidence at that time, he may do so under the plan. With respect to those cases where the Board reserves the right of discretionary review by published rule or order and pursuant to the plan must establish the procedure, the applicant in that case in disagreeing with the findings of the examiner will file his exceptions pursuant to the published rule and order, and the Board reserves unto itself pursuant to that rule the right to review that case, in the nature of certiorari. In those cases it is true that the applicant will not have "full review on the record" by the Board provided, however, pursuant to the rule and regulation, following the procedure laid down therein, he can get two members of the Board to bring it to the full Board. And that is mandatory. And even in those classes of cases the applicant has a right to go to the court on the refusal of the full Board to hear his case on a petition. I do not know why he would want to do it, but if I were the lawyer I would take it up on every order, depending on whether I was winning or losing the case, of course.

Mr. MORSE. Mr. Chairman, will the gentleman yield?

Mr. FASCELL. I yield to the gentleman from Massachusetts.

Mr. MORSE. Will the gentleman agree that the fundamental law, be it the Wagner Act, or the Taft-Hartley Act, provides that in the last category of cases to which the gentleman addressed himself, the Board is required to review the record?

Mr. FASCELL. I am sorry, but I did not get the full import of the gentleman's question. Will he repeat it?

Mr. MORSE. Does the gentleman agree that the fundamental law, be it the Wagner Act or Taft-Hartley Act, in that category of cases to which the gentleman last referred——

Mr. FASCELL. You mean where the Board has reserved the right of discretionary review?

Mr. MORSE. In the unfair practices cases; that is correct.

Mr. FASCELL. Yes, sir.

Mr. MORSE. That the Board is required to review the record of the hearing examiner upon filing of exceptions?

Mr. FASCELL. Did you ask me did I say that?

Mr. MORSE. No. Does the gentleman agree that the fundamental law now requires that?

Mr. FASCELL. I think the practice is that on the filing of the exceptions, they are so general in nature that the Board as a matter of practice has granted full review on the record.

Mr. MORSE. Does the gentleman have familiarity with section 10?

Mr. FASCELL. I do not know, but if I do not you can read it to me.

Mr. MORSE. I do not think I need to do that, because I think the gentleman would agree, and I ask again the question of the gentleman as to whether or not——

Mr. FASCELL. I just told you what I thought. I do not have to agree with you. I just told you what I thought.

Mr. MORSE. Let me give you the question: Does the fundamental law require the National Labor Relations Board in unfair labor practice cases to review the testimony adduced before the hearing examiner, and his findings upon exceptions by one of the parties?

Mr. FASCELL. The gentleman forgot to put in that question, if the gentleman will permit me, "in full on the record."

Mr. MORSE. Yes.

Mr. FASCELL. I believe, as I have stated before, that in the filing of exceptions they are so general in nature that as a matter of practice the Board has allowed or granted or made or performed full review on the record.

Mr. MORSE. For the simple reason that the Board and only the Board has authority to enter orders in unfair labor practice procedures.

Mr. FASCELL. I am not arguing that point. I do not enter the orders.

Mr. MORSE. Therefore, it seems to me that the gentleman does agree that the fundamental law so provides this right.

Mr. FASCELL. I did not say that at all. For the third time I am going to say it. Let the gentleman read it to me, if he wants to. I told the gentleman what I thought, that the exceptions are so general in nature that as a matter of practice the Board has performed or made or granted full review on the record. I cannot say it any clearer than that.

Mr. MORSE. Is that not because of the fact that the fundamental law vests that power in the Board and in no one else?

Mr. FASCELL. If the gentleman thinks so right now, read the section of the law into the record.

Mr. MORSE. If the gentleman will bear with me I will read the entire section 10. It will take 3 hours.

Mr. FASCELL. I am through right now. As a matter of fact, I am ready to sit down right now. In fact, I think I will. I yield the floor, Mr. Chairman.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield such time as he may desire to the gentleman from Michigan [Mr. BENNETT].

Mr. BENNETT of Michigan. Mr. Chairman, I have today introduced a bill to require the Federal Communications Commission to take effective steps at once to improve a deplorable condition which has existed since the birth of broadcasting in 1920.

Since most attention in the field of broadcasting seems to be focused these days on television, we tend to forget the fact that millions of Americans still depend on standard broadcast stations for entertainment and information.

It is appalling to realize the undisputed fact that almost 60 percent of the land area of the continental United States, in which over 25 million rural and small town Americans live, do not receive today even one acceptable nighttime groundwave signal although we have about 2,000 full time broadcast stations. Equally appalling is the fact that additional millions of Americans have only a very limited choice of acceptable nighttime groundwave signals.

The many millions of residents of the vast radio "desert" must depend on skywave signals of class I stations for either their only nighttime radio service or for any choice of nighttime radio service. Because of the present power limitation of 50 kilowatts imposed by the rules of the Commission, the skywave signals received by these woefully underserved Americans are not of sufficient strength to provide a reliable service.

This situation is not a newly discovered one. It has been recognized since the infancy of radio. The Federal Radio Commission, which was created in 1928 to bring technical order out of the then existing chaos, promulgated an allocation plan in 1928 which set aside 40 clear channel frequencies, on each of which only 1 station was authorized to operate at night, in order to provide a means of rendering service to rural

and smalltown America. It was soon acknowledged that areas remote from large cities were receiving inadequate service, in terms of signal strength, and hearings were held before the successor Federal Communications Commission in 1936 and 1938 for the purpose of determining what could be done to improve the admittedly inadequate broadcast service rendered to rural areas. The evidence adduced at these hearings showed conclusively that from an engineering viewpoint service could be improved where needed only by first, keeping a maximum number of frequencies "clear" or free of nighttime use by more than one station and second, authorizing higher power for all clear channel stations. In spite of this, the Commission did nothing between 1938 and 1945 to improve service. Instead, service was further degraded by reducing the number of clear channel frequencies from 40 to the present 25. Actually only 24 frequencies are "clear" and free of nighttime duplication within the continental limits of the United States and one of these is duplicated in Alaska. The Commission also continued in effect its rule limiting the power of clear channel stations to 50 kilowatts, even though higher power, which was authorized by the act and by the applicable treaties, was the only means of improving service in underserved areas.

In 1945, the Commission commenced, on its own motion, a third "Clear Channel Hearing"—docket No. 6741—designed to find ways of improving service to the millions of rural and smalltown Americans living in admittedly underserved areas. Again the evidence showed conclusively that service could be improved to the rural areas only by, first, keeping all class I–A clear channel frequencies free of nighttime duplication and, second, authorizing power in excess of 50 kilowatts for class I–A stations.

Since the evidence in the latest clear channel proceeding was presented in 1946 and 1947, the membership of the Commission has changed to the extent that only one member of the present Commission was a Commissioner when the evidence was received. Recently, the Commission instructed its staff to prepare a report and order which would terminate the proceeding by maintaining the present power limitations of 50 kilowatts and by assigning additional full-time stations to all but 12 of the 25 class I–A clear channel frequencies. Since 2 of these 12 already have additional full-time stations in New Mexico and Alaska on their respective frequencies, the Commission's solution would leave but 10 channels which would be "clear" or "free" of nighttime duplication.

The action taken by the majority of the Commission would worsen rather than improve the existing situation. Duplication or further breakdown of the too few remaining class I–A clear channel frequencies will lead to more service being afforded to cities which are already well served and to less service to the rural and remote areas which are not underserved. Also, the proposed duplication will, first, create an impossible roadblock to the only possible means of improving service in areas where it is needed, the use of higher power by class I–A stations, and, second, surely lead to further duplication and a further degradation of service to rural areas.

In view of these facts, my bill will amend the act to, first, prohibit further duplication or breakdown of class I–A clear channel frequencies beyond that authorized as of July 1, 1961, and, second, require the Commission to improve service to the present radio "desert" by authorizing class I–A clear channel stations to operate with higher power.

My primary concern is the best interests of the millions of rural and smalltown Americans who for years have suffered from a lack of adequate radio service at night. I am convinced that these people, whose needs for radio programs clearly exceed the needs of those living in or near cities large enough to support radio stations, can receive adequate radio service only through the preservation of all existing class I–A clear channel frequencies and the authorization of higher power for all class I–A stations. I feel as strongly that class I–B frequencies should not be broken down to any greater extent than now exists. I only wish it were feasible to convert some or all of these I–B frequencies back to I–A frequencies, especially in the Far West.

I am equally convinced that national defense considerations dictate that no further duplication of class I–A or I–B clear channel frequencies be permitted and that higher power be authorized for all class I–A stations. I intend to ask that the proper military authorities testify at the forthcoming hearings to be held on the bill as to the vital defense needs for preserving and strengthening the precious natural resources which the class I frequencies constitute.

It is also of extreme importance from an international viewpoint that we not fritter away our too few remaining radio natural resources. Our neighbors could not be stopped from using our class I frequencies in their countries should we choose to desecrate their use in our own country. We should take a lesson from our neighbor, Mexico, which has kept all of its clear channel frequencies free of nighttime duplication and has authorized power greatly in excess of 50 kilowatts for each of its class I–A stations. This was the only way Mexico could serve its rural population. It is equally true of us.

For all of the reasons given above, I earnestly urge that my bill be given early consideration and that it be passed promptly by the House.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield myself 10 minutes.

It is certainly something new, as well as very acceptable and entertaining and instructive, to listen to a filibuster in the House. This is the first time in at least 25 years that we have had a filibuster in the House, and the one just put on by the gentleman from Florida [Mr. FASCELL] might well serve as an example for those in the other body who desire a delaying procedure.

Permit me to express the hope that the gentleman from Florida, who has control of the time, or some other Member, will, when our proceedings become dull and tiresome, if they ever do, and especially toward the end of the week, make another similar effort to kill time. And then it may have the good result of causing some on the other side of the aisle who are in the habit of adjourning our sessions from Thursday to Monday to stay with us and devote the rest of their week to duties as Congressmen.

I happened to be reading this morning the decision of the Supreme Court, an opinion written by Justice Frankfurter, and which was called to mind by the length of the remarks of the gentleman from Florida [Mr. FASCELL]. Justice Frankfurter took 15 pages to write a decision, which made just one point, which was that a trial examiner's report or finding was evidence, a part of the record to be considered by the Board, and the circuit court of appeals if and when a case found its way to that tribunal.

As a trial lawyer, that decision seemed to me to be a little strange, because it made admissible as evidence for the appellate court hearsay and, perhaps more accurately, the opinion and conclusion of the examiner.

In that case, the trial examiner found that a company was not guilty of an unfair labor practice. The Board reversed that decision and found the employer guilty of an unfair labor practice, and ordered back pay. The case went to the circuit court of appeals, where the decision of the Board was sustained, and the case then went to the U.S. Supreme Court.

You know what the Supreme Court did? It remanded that case, told the circuit court to hear it again, and then do as it wished, but held that it should take a look at the examiner's report, which the Supreme Court, in effect, held was evidence and a part of the record. Apparently the circuit court of appeals has failed to give consideration to the examiner's report—340 U.S. 479.

If you will look at that decision, you will find that the Court of Appeals for the Second Circuit was in conflict with the decisions in the sixth circuit, though in five other circuits the decisions were in accord with the views of the court in the second circuit, so the lawyers, who argue the issue pending, can cite all the cases they need to support their arguments. They could keep us here for a month referring to and reading those decisions if they so wished. What an opportunity we have here for an endless filibuster.

But before us now is this fundamental principle; that is, whether the Congress should again waive its exclusive constitutional right to draft and enact legislation which can be vetoed by the President, or whether we should again adopt or veto proposed legislation sent down by the President.

A DELEGATION OF LEGISLATIVE AUTHORITY

Reorganization Plan No. 5, which proposes a reorganization of the National Labor Relations Board, and which will

become law unless vetoed by either Senate or House prior to Sunday next, should be rejected by the approval of House Resolution 328, disapproving the plan. The resolution, it may be assumed, was approved by the Democratic organization, for the disapproval resolution was introduced by the gentleman from Connecticut [Mr. MONAGAN], a member of that party. A majority of the Democratic members of the Committee on Government Operations now opposes it.

The plan proposes a reorganization of the National Labor Relations Board by giving it additional authority. Section (a) of the plan reads:

AUTHORITY TO DELEGATE

(a) In addition to its existing authority, the National Labor Relations Board, hereinafter referred to as the "Board", shall have the authority to delegate, by published order or rule, any of its functions to a division of the Board, an individual Board member, a hearing examiner, or an employee or employee board, including functions with respect to hearings, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter: *Provided, however,* That nothing herein contained shall be deemed to supersede the provisions of section 7(a) of the Administrative Procedure Act (60 Stat. 241), as amended.

True, section (b) provides that the Board retains a discretionary right to reject such delegation of authority on the request of any two members of the Board. If such discretionary review is declined or such review is not asked within the time stated in the rules promulgated by the Board, then the action of the member, hearing examiner, or employee shall, for all purposes, become final, shall be deemed to be the action of the Board, subject only to a limited power of review in the courts.

Taking out nonessential words, the suggestion is that the Board shall have authority to delegate "any." Do not forget that little three-letter word "any"—"any of its functions," and you know what that means: to whom? To a member of the Board, to a trial attorney, a review attorney, any employee.

Now mark you, it uses the word "employee"—"any of its functions," and the only restriction is a reference to section 7(a) of the Administrative Procedure Act which does not change the rule at all, as you will see if you read the decision to which I just referred, where Justice Frankfurter and the Court consider both the Taft-Hartley Act and the Administrative Procedure Act to which I just referred when discussing the authority of the Board and the circuit court of appeals' right of review.

So it becomes necessary to go back and take a look at what has happened in the past. Sometimes, we know, we can decide what is good for the future if we take a look at what has happened under similar circumstances.

If you wish to know just how destructive of American rights and privileges a labor board can be, all you need to do is to go back and read two reports which I hold here in my hand. Where did this come from? It came from the hearings held in December of 1939 and the first month in 1940 by a special committee of this House. The gentleman from Virginia [Mr. SMITH] was chairman, and our minority leader was a member of that committee. There were two other Democrats, Mr. Murdock, subsequently a member of the Board, and Mr. Healey and one other Republican, a gentleman from Ohio, Mr. Routzohn. If you will get that report from the Library, you may at first as you read it think it is fiction, but it is not. Every word in it is supported by the hearings.

What did they do at that time and why was the Labor Board in trouble just as it is in trouble today? Because it cannot carry the load and something must be done if our people are to continue in business and pay taxes.

They found in those hearings, and it is set forth in the report, that the Board appointed, just as this present Board might do, employees who had absolutely no qualifications, who were biased and prejudiced. But more of that later.

Let us first give consideration to the advisability of accepting plan No. 5 designed to reorganize the Board.

THE NLRB IS NOT A PROPER AGENCY TO IMPLEMENT LABOR RELATIONS

From the day it was authorized, the NLRB has been a political arm of the executive department—specifically, the advocate of the administration's labor policy.

To understand the issue now before us, a little of the background which brought us to the present situation may be helpful.

LABOR DEPARTMENT

Seventy-three years ago, the Congress created the Labor Department "to foster, promote, and develop the welfare of the wage earners of the United States, to improve their working conditions, and to advance their opportunities for profitable employment."

Forty-seven years later, in 1935, employers' abuse of their economic power, use of "yellow dog" contracts, which denied employment to the applicant who was not a member of a union, caused Congress to write the Wagner law.

The purpose of that act was to diminish the causes of labor disputes burdening interstate and foreign commerce by granting to employees, but not to employers, the right to organize, bargain collectively, engage in concerted activities promoting their overall welfare.

The act specifically granted to employees certain special privileges, exempted from current legislation labor organizations and their members. It granted no rights to employers, imposed penalties upon them for a violation of any of the rights or privileges given unions and union members.

The restrictive provisions of the Clayton Act, adopted in 1914, of the Norris-La Guardia Act passed in 1932, do not apply to unions or union members, but do restrict the activity of all others.

Because of the many special privileges and exemptions enjoyed by union employees and union organizations, unions have obtained and now use monopolistic power, a power not now lawfully available to any other individual or group, so that today the discrimination which existed under the "yellow dog" contract has been completely reversed.

Exercising their monopolistic power, taking advantage of their special privileges and exemptions, with the assistance of the National Labor Relations Board, the blind lady who supposedly holds the scales of justice, permits labor organizations to discriminate against union as well as nonunion workers, employers and, as recent events show, sometimes even in times of emergency, to delay and make excessive the cost of our defense program, as well as adversely affecting the public welfare. While some unions in Michigan voluntarily accepted wage cuts to enable production to continue.[1]

THE NATIONAL LABOR RELATIONS BOARD WITH ITS BIASED, PARTISAN ACTIVITIES SHOULD BE ABOLISHED, ITS DUTIES AND FUNCTIONS TURNED OVER TO THE COURTS

The Wagner Act created the NLRB, whose duty it was to implement the act, to aid employees, unions, and employers in minimizing and, if possible, avoiding costly labor disputes and strikes.

Unfortunately, when the Wagner Act was written, Lee Pressman, an exceptionally able general counsel of the CIO and, by his own admission, a Communist, had much to do with the writing of the act, and the net result was legislation penalizing private industry and employers, granting special benefits to organized labor.

Equally unfortunate, the implementation of the act by the NLRB during its early days fell, in large measure, into the hands of the enemies of employers. Typical was the appointment, during the early days, as a member of the Board, of Edwin S. Smith, likewise a Communist,[2] a representative of Soviet authors, who was registered under the Foreign Agents Registration Act.

To add to the bias and prejudice of the Board was its Assistant General Counsel, Nathan Witt, likewise a member of the Communist Party,[3] who acted as counsel for the Board from January 1937 through 1939 and then as Secretary of the Board in January of 1940. He and Lee Pressman, a member of the

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[1] See Washington Star, Apr. 26, 1961—"Unionists Accept Cuts To Keep Plant Going"; Washington Star, April 1961—"Missile Base Strike Deplored by MCCLELLAN"; Chicago Tribune, May 2, 1961—"Union Gouging in Orbit"; and Chicago Tribune, May 1, 1961—"The Fifth Amendment at the Cape." (CONGRESSIONAL RECORD, May 4, 1961, pp. 7404–7406.)

[2] P. 3462—hearings, House Un-American Activities Committee, Feb. 28, 29, and Mar. 1, 1956.

[3] Lee Pressman, appearing as a witness on Aug. 28, 1948, before the House Un-American Activities Committee, testified that Mr. Witt was a member of the same Communist Party cell to which he (Pressman) belonged. Committee hearings regarding Communist espionage in the U.S. Government, pp. 565, 1036, and 2869, respectively. Witt, when he appeared before the committee on Aug. 20, 1948, invoked the fifth amendment when asked if he was a member of the Communist Party, and again on Sept. 1, 1950, invoked the fifth amendment. Witt appeared before the committee on Mar. 1, 1956, and again refused to answer any questions concerning his Communist connection.

same Communist cell here in Washington, and general counsel of the CIO, often joined in their efforts to further the interests of the CIO, harass employers.[4]

While the deplorable situation to which reference has just been made no longer exists, it nevertheless must be admitted that the administration, through the Secretary of Labor, is the advocate of unionism and union policies.

As shown by the press, to cite but one or two instances, Secretary Goldberg attempted to force an employer, Western Airlines, engaged in airline transportation, to accept a settlement proposed by the union. A Florida judge was criticized because he refused to dismiss an injunction and contempt proceedings against certain union members. A statement of policy was issued which, in effect, called upon employers and, incidentally, unions to submit to agreements which would increase the cost of national defense, put an additional burden upon the taxpayer.

A repetition: Plan No. 5 authorizes the Board to delegate to "an individual Board member, a hearing examiner, or an employee or employee board," "any of its functions," "including functions with respect to hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter" to or over which the Board itself has any authority subject only to the provision that none of this shall be deemed to supersede the provisions of section 7(a) of the Administrative Procedure Act.

One harmful, almost incredible, result of the policy of the Board in implementing the act was disclosed by the hearings of a special House committee,[5] which shows the bias and prejudice of the Board in the selection of employees and the lack of qualification of those employees to implement the act.

Just one typical illustration will be given, that of Mrs. Ann Landy Wolf, who was employed by the Board as a review attorney on February 1, 1938, when she was 27 years of age. Some 15 cases were assigned to her; her findings as to the facts and the law for all practical purposes became conclusive upon the Board, upon the circuit court of appeals, and upon the U.S. Supreme Court.

Mrs. Wolf was born in Hungary; came to America with her parents in 1929; obtained her first citizenship papers in 1930 when she was 18 years of age; received her final citizenship papers in 1935, when in her second year at the Law School of Western Reserve University, was admitted to the bar in September of 1937; and, as stated, was employed as a review attorney a few months later.

Among the 15 cases assigned to her was the St. Louis Ford case, where she reviewed 21,161 pages of testimony and where, as stated, her conclusion became virtually binding upon the Board and the court. Obviously, she had neither adequate experience as an industrialist or as a lawyer to determine whether the facts justified her decision.

The Smith committee report also disclosed that, on some occasions, trial examiners and review attorneys actually wrote the decisions for the Board.

It is obvious from testimony taken before the NLRB Subcommittee of the House Committee on Education and Labor that today many of the decisions of the Board are written by employees or review attorneys.

The Smith report shows that sometimes trial examiners and review attorneys accepted as evidence not only hearsay but information given them outside the hearing and sometimes by individuals who never appeared as witnesses.

It is undoubtedly true that, as the years have gone by, individuals of greater ability, more patriotic in their views, more conscientious, have been appointed to the Board and its staff; but, nevertheless, as almost innumerable decisions indicate, the Board and its employees, its trial examiners, its review attorneys have been partisans, convinced that in the overall picture unions should be favored, given the benefit of any doubt, reasonable or otherwise, and employers penalized whenever opportunity offered.

Under the proposed plan and the delegation of authority, findings of the trial examiners, decisions of the review attorneys, which often become, and in the past actually many times did become, the decisions of the Board, will be the decisions of the Board and, if supported by substantial evidence, the ultimate decision in the case. This situation was clearly pointed out in the opinion of Justice Frankfurter in *Universal Camera Corporation* v. *Labor Board*, 340 U.S. 476.

Because that situation exists, as is clearly shown by the record, not only of the Board but of the courts, including the U.S. Supreme Court, the Board should, in my humble opinion, be abolished and its functions transferred to the courts, where complainants would, at least, get a comparatively fair opportunity to present their grievances in a forum presided over by competent, experienced individuals of judicial temperament.

It is well known that the present incumbent of the White House owes his office to the support given by organized labor, among others, Curran, Dubinsky, Meany, and Reuther.

While the views, the sympathies, the bias, the influence of a Pressman, a Witt, an Edwin S. Smith or a David Sapross are no longer with us, we have a Reuther, a Goldberg, and many other labor practical politicians high in the councils of the administration.

It naturally follows that the voice of organized labor, in the person of Secretary of Labor Goldberg, will dominate the attitude of the administration and the Board toward organized labor, employers, and the public.

Many of the Members of the House know that the present administration is repaying some of its political debts by the appointment to policymaking positions of individuals who personally or through their organizations gave support to the successful candidate for the Presidency and to some other candidates.

Is it unrealistic to assume, in view of the political attitude of the administration, that, when appointments to the Board are to be made, when employees, trial examiners, review attorneys, investigators, economists are to be employed by the Board, the politically powerful Mr. Reuther—who received at least 2 years of his education in Russia, sometimes in its factories—will not be heard?

And will Reuther fail to give support to those who entertain and will attempt to enforce his views?

This thought draws support from the fact that Reuther and Mazey used union funds to hire and pay known goons like Jesse Ferrazza, Gunaca, and others, who premeditatedly brought violence and the destruction of property to the Kohler strike.

Reuther prevailed upon the Governor of Michigan to protect Gunaca from a Wisconsin warrant for a period of 2 years, although, when brought to trial, he entered a plea of guilty.

The President was a member of the McClellan committee, which received that information, and the present Attorney General was counsel of the committee, but no prosecution, so far as is publicly known, has followed any of those unlawful activities.

If a suggestion is permissible, it might be that the Attorney General, while continuing his prosecution of Hoffa, first employ some competent, experienced trial lawyers, and in the meantime give equal consideration to worse illegal activities of Reuther, Mazey, and others of the CIO who for years have repeatedly employed known criminals and goons with records of violence and lawlessness to illegally promote the interests of the UAW-CIO. The Attorney General might well take a look at the Hobbs Anti-Racketeering Act.

The McClellan committee was given ample factual evidence justifying the criminal prosecution of Reuther and some of his associates. The President was a member of that committee, his Attorney General was its counsel. Neither can plead ignorance.

The administration, dominated by and favorable as it is to organized labor, with the power to appoint the members of the Board, would not—in fact, could not, without repudiating the politicians who enabled it to attain office, even though it so desired—give the country a National Labor Relations Board which had authority to delegate its powers, an agency which would even approximately give either industry or the people as a whole either equal justice under law or a fair deal.

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[4] See p. 30 of the report of the Smith House Special Committee To Investigate the National Labor Relations Board, titled "Report on the Investigation of the National Labor Relations Board," H. Rept. 1902, 76th Cong., 3d sess., Mar. 29, 1940, where it is disclosed that the testimony at the hearings showed that Nathan Witt transmitted to all regional directors of the Board a memorandum from the CIO, with a covering memorandum of his own, advising a procedure of prosecution which would be helpful to the CIO. These memorandums were dated Sept. 29 and 30, 1938, and the memorandum from Mr. Witt, the Communist, enclosing the memorandum from Mr. Pressman, also a Communist, was marked "Very Confidential."

[5] The Special House Committee To Investigate the National Labor Relations Board, which filed its report on Mar. 29, 1940 (76th Cong., 3d sess.), H. Rept. 1902.

Will anyone who believes in our form of government, who for a moment thinks this Congress is a competent body, composed of able, patriotic individuals, vote to give away that authority to an administration which has the most efficient political machine any of us has ever seen, which knows how to go out and get the votes, which certainly has a feeling of reciprocity which they say is a Republican doctrine but which they undoubtedly will adopt in this case and repay its political debts including employees of NLRB if its members are all Democrats as our leader from Indiana told us they might be under the statute? Do we want to give away our authority to legislate by giving that duty to the Executive, subject only to a veto? Do we think we are not competent? Do we think we do not have enough ability and patriotism to write the laws of the land? Do we want to turn over the writing of this kind of legislation, the authorizing selection of those who administer it, to individuals appointed by an administration which certainly, if it is anything, is political on the domestic front and under deep political obligation to a politically minded group which has all to gain, nothing to lose, from a favorable Board and its employees?

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. HOFFMAN of Michigan. I yield to the gentleman from Iowa.

Mr. GROSS. There are two pending reorganization plans, as I understand it, 6 and 7—the Federal Home Loan Board and the Maritime Administration reorganization plans. Is that right? or are there more?

Mr. HOFFMAN of Michigan. I do not know. But I will say to the gentleman that 6 and 7 are coming up. The submitting of those plans is another indication that the administration thinks we do not know enough, do not have enough ability, are not patriotic enough to faithfully discharge our duties as Congressmen. So if the House wants to let Mr. Kennedy and Mr. Goldberg write this legislation which applies to labor regulation, as a payment for political support, past and future, I cannot prevent it.

Mr. GROSS. Has the gentleman heard of a reorganization plan for the Department of State?

Mr. HOFFMAN of Michigan. Oh, no; I do not think the administration would touch that. But, of course, I have no information on that.

Mr. GROSS. I did not know but what they were going to submit a reorganization plan in order to facilitate the removal of Under Secretary Chester Bowles.

Mr. HOFFMAN of Michigan. No. I understand he is to stay for the present.

Mr. GROSS. It appears the Kennedy administration may have trouble getting him to resign in any other way.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield 5 minutes to the gentleman from Illinois [Mr. ANDERSON].

Mr. ANDERSON of Illinois. Mr. Chairman, my genial colleagues on the Subcommittee on Legislative Reorganization Matters, the gentleman from Florida [Mr. FASCELL], emphasized and made quite a point at the beginning of his extended speech here this afternoon that the vote in the committee, both in the subcommittee and in the full Committee on Government Operations, on this particular plan No. 5, was on a straight party line basis. I think this would be a good point at which to remind the House, however, that the vote which took place in this Chamber not many weeks ago on plan No. 2, with reference to dealing with the Federal Communications Commission, was not on a party line basis. I forget the exact vote, but there were more than 300 Members of this House, both Democrats and Republicans, who felt there were certain basic objections in that plan that should defeat it.

I want to point out one of the statements made by the distinguished Member of this body from the State of Georgia [Mr. LANDRUM], a man who should command some respect by virtue of his knowledge of the Labor Relations Board and his authorship of the Landrum-Griffin Act, who pointed out in the statement he made to our committee that the same things that were wrong with plan No. 2 are wrong with plan No. 5.

I want to point out that this is not purely a party position. This is not just a matter of one party lining up against the other. But, there are some of us who feel very sincerely and very genuinely and very conscientiously that the same defects that inhere in that plan which was defeated so resoundingly in this House, plan No. 2, are also present in plan No. 5.

Now, I also want to point out something with reference to the Cox report. You have heard quite a bit of comment this afternoon on that report which was made by a committee that was formed, I think, by the other body, a report made to the Senate Committee on Labor and Public Welfare during the 86th Congress. I would point out that this committee made suggestions about some of the things that are wrong with the NLRB. And, there is no quarrel about that; there is no question but what there are some very serious defects in the internal organization, in the procedures of the Board. As a matter of fact, one gentleman who testified against this plan before our subcommittee said that the Board is a prisoner of its own procedures.

You will hear a lot of testimony or talk this afternoon—indeed, the gentleman from Florida [Mr. FASCELL] mentioned some of it in his remarks earlier this afternoon—about the median time that is consumed between the filing of a charge, before the complaint is even issued, and the issuance of a decision by the Board itself. I have the Cox report before me this afternoon, and you will find out that a lot of the delay that has taken place in the NLRB cannot be laid at the door of the Board in the sense that it has taken on this duty which it has under the statute to review the decisions of the trial examiners. Let me point this out, that in 1948, quoting from the Cox report, 75 days on the average were consumed in the preparation of the trial examiner's intermediate report. That is 2½ months that it took these trial examiners to even prepare an intermediate report. This is excessive delay. During 10 months of 1958 12 of the 39 trial examiners, almost one-third, completed less than 5 intermediate reports.

There is some suspicion in the minds of some of us—and I asked for the production of records on these trial examiners, and if you take the trouble to read the record, you will find the testimony—there is some suspicion in the minds of some of us that if these trial examiners were not all intent on being Brandeises and Cardozos and get busy, that some of the delay talked about by the Chairman of the Board could in fact be eliminated. That report points out that after the trial examiner's report becomes final, if exceptions are filed within 20 days, that 80 percent of the cases that are decided by trial examiners go on to final decision by the Board. How can we then talk about the general acceptability of trial examiners' reports?

How can we say that it is not eliminating an important substantive right on the part of the litigants for the Board to take away this mandatory right of review when almost 80 percent of the cases decided by the trial examiners are appealed to the Board itself?

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. ANDERSON of Illinois. I yield to the gentleman from Indiana.

Mr. HALLECK. I think the gentleman has made a very significant point in respect to this so-called delay of cases, unfair labor practice cases, before the NLRB. He has referred to the trial examiners. I think it should be understood that the trial examiners are appointed and serve without any confirmation by the Senate. As a matter of fact, my information is that no bar association has ever passed upon their professional competence. Indeed, I am told that two of them who are trial examiners on the NLRB are not even members of the bar. Nine of them who had served with the old Board were rejected as incompetent by the Board of Examiners appointed by the Civil Service Commission, but were covered in anyway, and they are serving because of an Executive order containing a grandfathers provision. I think the gentleman's remarks are very well taken, that this delay about which we heard so much could well be handled in a different fashion than is here proposed without this delegation of final authority run riot because that is what this plan proposes to do.

Mr. ANDERSON of Illinois. I certainly thank the gentleman for his contribution. In that particular regard I would point out, as we have pointed out on page 18 of the committee report—that is, the minority views—one of the witnesses before a subcommittee of this House on June 12 of this year said this with respect to Reorganization Plan No. 5. This, mind you, was a man testifying, who is a proponent, who is in favor of Reorganization Plan No. 5. This is what he said:

The trial examiner under this reorganization plan becomes really in a most techni-

cal sense now very much like a judge and his powers become very, very great, and his responsibility becomes much greater than it is now.

Mr. HALLECK. Would the gentleman agree with me—I know the gentleman is a very learned and competent lawyer—that it is passing strange that the right of appeal to the Board from the examiner's determination or decision is not a matter of right but is discretionary with the Board; but the right of appeal to the circuit court of appeals is a matter of right?

In connection with that, further, I think it should be pointed out that that sort of appeal does not provide for a review of the weight of the evidence or the facts, and hence is not the sort of review that could be had, if the review is held by the Board itself.

Mr. ANDERSON of Illinois. I think the gentleman is entirely correct.

There is one other point that I want to point out to the members of the committee: If you adopt this reorganization plan, I think, as I think the gentleman from Michigan pointed out in one of his colloquies with the gentleman from Florida [Mr. FASCELL], you are going to leave it up to the Board itself to define what this discretionary review is and what the standards for that review are going to be.

I call your attention again to the Cox Committee report. Incidentally, that Committee had some very eminent members that included Mr. Goldberg, the Secretary of the Department of Labor, and that included Mr. Cox as Chairman, the President's Solicitor General of the United States; when they set about to study this problem, they proposed not a reorganization plan, they proposed amendments to the National Labor Relations Act itself. If you will read in that Committee report the standards that they set up in section 10(d), they set up four very specific standards that they proposed that this Congress should adopt for the type of discretionary review that is now being proposed under Reorganization Plan No. 5.

I submit that this is another attempt to shortcut the legislative committees. It is another attempt to try to ram through this Congress something that apparently a legislative committee of this House is unable or unwilling to do. That is a mighty poor way to use the reorganization powers that are given the President under the Reorganization Act of 1949.

I want to point out one other thing in conclusion. Many of these cases—in fact, about 75 percent of them—are handled by three-member panels of the Board at the present time. Do not get the idea that all of these 23,000 cases which somebody has said represents now the caseload of the National Labor Relations Board are all handled by the full Board. In the first place, half of them are representation cases. Under amendments to the 1949 Labor-Management Act, these have now been delegated to the regional directors. The other half, 75 or 80 percent of them, are heard by a three-member panel.

When the present Chairman of this Board, Mr. McCulloch, appeared before the subcommittee and testified, do you know what he told us? He told us that at the present time, if any single member of the National Labor Relations Board wants a review of one of these cases that has been assigned to one of these three-member panels, the Board will grant a review by the entire five-member Board. He not only said in his testimony before our committee that that was the present procedure, but he said that that was good procedure, and, as far as he was concerned, as long as he was Chairman of the National Labor Relations Board, that procedure would continue. Then, I submit, in view of his statement, it becomes pretty silly, pretty ridiculous, to argue that by allowing a majority of the Board, less one, to exercise a discretionary review under standards not set up by this Congress, under standards that they themselves would comprise and dictate, that we are not giving away a very fundamental and a very substantive right that litigants under this act now enjoy. This is not a party matter at all. This is a case of going back and searching your souls as to what you did on Reorganization Plan No. 2. If you do that, you are going to vote in favor of the disapproval resolution on this plan, too.

Mr. GRIFFIN. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. MORSE].

Mr. MORSE. Mr. Chairman, I was impressed by the statement of the Speaker in the debate on Reorganization Plan No. 2, and quite clearly so were an overwhelming majority of the Members of the House. Let me remind my friends of the majority of the precise statement the distinguished Speaker of the House [Mr. RAYBURN] made at that time:

> My objection to this reorganization plan is that it attempts by a reorganization plan to amend the fundamental law in the Communications Act.

After hearing that statement and after voting in support of the Speaker to defeat Reorganization Plan No. 2, I did considerable research on the Reorganization Act of 1949. This act is quite explicit in its intention, quite exact in its purpose. The act contains absolutely no authorization to modify fundamental law by a reorganization plan. The gentleman from Florida in his remarks was unwilling to admit that the fundamental law, labor's bill of rights, enacted by a Democratic Congress under the leadership of a Democratic President—the Wagner Act, clearly empowers the National Labor Relations Board to prevent any person from engaging in an unfair labor practice. That part of the law was reenacted in the Taft-Hartley law, and I quote from section 10(a) of that act:

> The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice affecting commerce.

There is no question that it is the Board that has that authority, not any agency of the Board, not any hearing examiner or trial examiner, who, by the way, does not even have to be an attorney under the civil service regulations.

Mr. Chairman, we are with the adoption of Reorganization Plan No. 5 impairing a substantive right created by fundamental law. This we should not do through the reorganization device. It may well be that this Congress in its wisdom will choose to amend the fundamental law. At this time I will not argue that because it is not relevant, but I do urge each of you to remember that this is not the proper procedure whereby you amend the fundamental law.

The original Reorganization Act of 1949 lists five specific purposes for which a reorganization plan may be adopted. One of these specifically, and it now appears in title 5, United States Code, section 133(z)1, refers to the authorization of any officer to delegate any of his functions.

The then Committee on Expenditures in the Executive Departments, in reporting this legislation to the floor, stated in its report that that particular authorization meant one thing—that the main purpose of this particular provision is to make it possible, and I quote from the committee report, "for top officials to delegate routine functions."

Perhaps the majority regards the adjudication of the rights of American citizens as a routine matter. I do not.

I urge that this Congress heed the sound advice given it by the distinguished gentleman from Illinois when he urged that we do not deprive American citizens of their rights by the reorganization device, that we stick to the explicit, narrow purposes of the reorganization plan, and that we vote to adopt the disapproving resolution. If the times require that the fundamental law affecting management-labor relations be modified, let us amend it in an orderly fashion. Let us not reduce this body to a pliable rubberstamp.

Mr. LINDSAY. Mr. Chairman, will the gentleman yield?

Mr. MORSE. I yield to the gentleman from New York.

Mr. LINDSAY. Mr. Chairman, I should like to commend my colleague from Massachusetts for his excellent presentation. He brings to bear on this important subject his fine analytical mind, and we have all benefited from his remarks. The point he has made relating to the abrogation of the right of appeal is to me the most telling point of all and militates strongly in opposition to the proposed reorganization plan. Every American citizen is entitled to a full and fair review of his case.

Mr. GRIFFIN. Mr. Chairman, I yield 15 minutes to the gentleman from Michigan [Mr. MEADER].

Mr. MEADER. Mr. Chairman, the pattern of Reorganization Plan No. 5 is identical with the pattern of the other reorganization plans submitted to this Congress.

I have previously made observations on the propriety of using the reorganizing power to change the character and structure of the independent agencies outside of the executive branch of the Government.

I think it is important to note that the power we have given to President

Kennedy, similar to that possessed by previous Presidents, has not been used as contemplated by the Reorganization Act to streamline agencies in the departments and executive branch of Government, but that power has been used in this Congress to interfere with the safeguards and checks with which the Congress consciously and intentionally surrounded these quasi-judicial, quasi-legislative, and quasi-administrative agencies known as independent boards and commissions.

For that reason, I am opposed to all of these reorganization plans. I am not going to dwell on that at length, but I am going to single out, because of the peculiar nature of the National Labor Relations Board, how the pattern of those plans operate in this particular field.

Mr. HARRIS. Mr. Chairman, will the gentleman yield?

Mr. MEADER. I yield to the gentleman from Arkansas.

Mr. HARRIS. I would not want to take the time of the gentleman to enter into any debate regarding the statement the gentleman has just made about the pattern with reference to all of these plans. In one sense of the word so far as the delegation of certain authorities within the commissions are concerned, it is true. But I should like to call the attention of the House that in my judgment each of these plans has to be considered in relationship to the act that it affects. As an example, I do not share the gentleman's statement with reference to the pattern and the effectiveness of Reorganization Plan No. 2 as against plan No. 3 and plan No. 4. To be sure, the pattern, as presented, appears to be the same but the effect of those plans on the respective acts is the important thing that we have to keep in mind. The Federal Communications Act had certain basic provisions that that plan did amend, which I called to the attention of the House at that time. That is what concerns me about this plan. I would like to hear some discussion on just how the plan would amend basic provisions of the National Labor Relations Act and other acts that it might affect. I heard a great deal of talk about the delegation of authority here.

But I would like to know just how it would affect the law itself with reference to these changes that are made on the basis of improved proceedings.

Mr. MEADER. I was about to get into exactly that subject, and I appreciate the gentleman's calling attention to it.

The National Labor Relations Board, of course, deals in a completely different area than the Federal Communications Commission, for example; the subject matter of the National Labor Relations Board is labor relations. I might say that I have had a little experience in Labor Board cases. Early in my legal career I was involved in one of these cases, and I could tell you that there is probably no type of litigation that is more controversial than labor-management disputes.

One of the powers the Board has is to order reinstatement of discharged employees found to have been discharged as a result of an unfair labor practice; and in that connection I want to read again a portion of section 10(c) of the Labor-Management Relations Act of 1947. I might say that this particular provision has been constant ever since the Wagner Act was passed.

I want to point out that it is the Board that makes findings of fact which are conclusive upon courts if supported by substantial evidence; it is not the trial examiner who makes the finding of fact, it is the Board that issues the cease-and-desist order, not the trial examiner. The trial examiner is the one who takes evidence and submits that evidence to the Board with recommendations for findings of fact which the Board has the power to make.

This plan would permit the Board to pass that authority to make findings of fact which later become conclusive on the courts and authority to issue cease-and-desist orders not in a body of men selected with certain safeguards for their stature and their competence, but to any unknown future trial examiner who may be appointed, without any standard set by law for his competence and without any limit upon his term.

That is why it seems to me dangerous to provide, as this plan does, that an order may be entered requiring an employer or a union to cease and desist from an unfair labor practice and to take such affirmative action, including reinstatement of employees with or without backpay—by some unknown future employee who does not meet the qualifications that a Board member must meet. Such action will have tremendous repercussions in the whole field of labor-management relations.

I regret that time has not been sufficient to gather all the material I would like. I have sought to obtain statistics in cases where a trial examiner has recommended a certain amount of backpay and he has been overruled by the NLRB. All I could get together are statistics year by year from annual reports of the NLRB.

I am surprised that these amounts are not larger than they are. The amount of backpay awarded employees in 1961 was $1,368,190; in 1960, $1,189,160.

The highest figure I see on the list for any one year is $2,285,000. That was the year 1943.

In an NLRB case in which I was counsel, back in the late 1930's, a trial examiner recommended backpay starting on a certain date, which at the time we argued the case before the National Labor Relations Board would have amounted to about $17,000. The Board itself allowed backpay in the amount of only about $500.

I have here a decision of the National Labor Relations Board in the National Automatic Products Co. and United Electrical Radio and Machine Workers of America, U.E.—Case No. 1–CA–2992—released August 19, 1960.

In that case the trial examiner awarded backpay to 29 employees, commencing on September 28, 1959. But the Board found that there had not been an unequivocal offer of reinstatement on the part of the discharged employees on that date, and not until February 9, 1960. So the Board allowed reinstatement and backpay only from February 9, 1960, some 4½ months less than the trial examiner. That was a finding of fact.

In NLRB cases, conclusions of law are reviewable by courts, but findings of fact, if there is substantial evidence to support them, considering the record as a whole, cannot be reviewed, and the court simply cannot under the law arrive at a finding of fact differing from that found by a trial examiner even if the court is convinced that the finding is erroneous. If there is substantial evidence to support findings of fact, they are binding on the court. I would say that a finding that the employees had offered to be reemployed on such and such a date was a finding of fact. But here you can see that the National Labor Relations Board completely disagreed with the interpretations put on the testimony by the trial examiner.

The effect of this plan is to permit the trial examiner, this unknown man who may not have the qualifications that we require of Board members, to make these findings, and the amounts involved in backpay awards could be unlimited. If you have a large company with a lot of employees, you can imagine, while these controversies run on for months and years, that tremendous amounts can be piled up as backpay. It constitutes really a money judgment against the employer.

You are putting in the hands of a trial examiner, a subordinate employee, the power to make a final irrevocable finding of fact which is binding on the courts in sums that are not limited and no one knows what they may be.

At the time we had our difficulty, there was a case, I believe the Weyerhauser Lumber Co. case, in which there was involved $280,000 in backpay. We asked the regional attorney for the NLRB what would happen if an order was entered so staggering that the company had to go into bankruptcy. He said that would present an interesting situation. He presumed one thing that might be done would be that the employees would take the company over and run it as a cooperative. That is the kind of authority you are vesting in these subordinate employees.

The National Labor Relations Board differs from some of the regulatory agencies that the gentleman from Arkansas [Mr. HARRIS] is familiar with, in that there is no bipartisanship required of the Board. The National Labor Relations Board consists of five, originally three members, now five, members appointed by the President by and with the advice and consent of the Senate. They are appointed for a term of 5 years, and their terms are staggered.

Board members are eligible for reappointment and are prohibited from engaging "in any other business, vocation, or employment." But the point is this: a trial examiner goes on forever; his qualifications are not scrutinized by the Senate, and he should not, in my judgment, be vested with this vast authority.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. FASCELL. Mr. Chairman, I yield 15 minutes to the gentleman from Georgia [Mr. LANDRUM].

Mr. HIESTAND. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. The Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 115]

Alford	Granahan	Shelley
Alger	Green, Oreg.	Siler
Anfuso	Hébert	Smith, Miss.
Blitch	Holifield	Smith, Va.
Bow	Kilburn	Springer
Boykin	Lankford	Thompson, La.
Bruce	Lesinski	Walter
Buckley	Morrison	Weis
Cahill	Norrell	Williams
Cannon	Powell	Willis
Celler	Roberts	

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DAVIS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration House Resolution 328, and finding itself without a quorum, he had directed the roll to be called, when 404 Members responded to their names, a quorum, and he submitted herewith the names of the absentees to be spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The gentleman from Georgia [Mr. LANDRUM] is recognized for 15 minutes.

Mr. LANDRUM. Mr. Chairman, it is important when we come to the consideration of this Reorganization Plan No. 5, which proposes to reorganize the National Labor Relations Board, to remove all of the varnish and delete as far as is possible all of the legal technicalities that have been announced and argued here this afternoon and get down to plain, common, ordinary branch bank language that all of us can understand, I hope, and see what it is we are doing.

To do that it is imperative that first I quote the plan, or at least the first paragraph of it, and get clear in our minds exactly what we are asked to let the National Labor Relations Board do. The plan says that we are to vote on letting the National Labor Relations Board, and I quote from paragraph (a):

> In addition to its existing authority, the National Labor Relations Board, hereinafter referred to as the "Board", shall have the authority to delegate, by published order or rule, any of its functions to a division of the Board, an individual Board member, a hearing examiner, or an employee or employee board, including functions with respect to hearing, determining, ordering, certifying, reporting or otherwise acting as to any work, business, or matter.

We are asked to surrender to the National Labor Relations Board that authority.

Let us see just briefly what it is the National Labor Relations Board does now. Principally there are two types of cases, the first known in the lingo as R cases, which are representation cases and are nonadversary and nonadjudicatory matters.

Then the second category cases which this Board hears are known as C cases, or cases that are classified as adversary cases or complaint filed where there are adversaries. These complaints can take any range of disagreement that may develop between possible litigants before the National Labor Relations Board.

In 1959 when the Congress passed the Labor-Management Reporting and Disclosure Act, the Congress, mind you, saw fit to delegate or to give the Board authority to delegate in these representation matters, not to a long list of indefinite employees or members of the Board but to whom? To one specific class of employee, and that was to the regional attorney.

Now, the reason that the Congress saw fit, in my judgment, to give this authority to delegate is simply because the R case or the representation case is not an adjudicatory matter and is not an adversary matter. No appeals, or rather few appeals, are taken from it. However, to be certain that everything was correct insofar as the representation or R case is concerned, the Congress said that the Board should retain the right to review even in the R cases. So much for that and the delegation of authority.

One of the complaints before the committee on which I served at that time was that the NLRB had to take up so much time with these R cases that it prevented them from giving the proper amount of time to the next category of cases, the C cases. So, we come to that group.

Now, what can be involved in the C cases? As I said a moment ago, anything on which parties would litigate; any matter on which parties would have a dispute involving thousands upon thousands of dollars in back wages; involving whether or not plants are moved from one place to another; involving job assignments, if you please; involving many, many other things that touch upon the very sensitive nature of labor-management relations.

The Congress has not seen fit to allow the Board to delegate, beyond its qualified members who have been appointed by the President and confirmed by the Senate, to a class of employees who are chosen principally under the rules and regulations of the Civil Service Commission and cannot be reached except through charging a violation under the civil service rules and regulations. They are not subject to the people. They are not subject to the courts. They are not subject to approval by the Congress or the Senate. They are just civil servants. Now, we are asked by this reorganization plan to allow the Board to delegate power to one of the servants such as I have described here. To do what? To hear and determine the facts and then apply the law applicable to those facts and make an order, and unless the Board on its own motion or by a vote of a majority less than one decides to review it, the order made on the evidence taken and the law applied by this hearing examiner or by this employee who is a civil servant becomes the order and the law in the case.

Now the proponents of this plan argue that the right of the litigant's appeal is protected and he can go on to the court of appeals from that point. That is correct. There is nothing untrue about that. But what does he go to the court of appeals with? That is the thing. He goes to the court of appeals with exactly the record that the trial examiner or whatever other employee hearing the case made. That is the record made by that employee, not reviewed, mind you, by members of a board whose qualifications have been determined upon by the Senate of the United States, not to be reviewed de novo. The right to a trial de novo or review de novo is completely denied because the court of appeals does apply the rule of substantial evidence, and exercising only the power to decide whether or not the hearing was conducted legally and the law applied properly. They have absolutely no opportunity to review the facts de novo.

Now, they say they want to do this. They want to dispense with these rights of an individual to have his complaint passed upon by people in authority who are qualified to pass upon it. They say they want to dispense with that. For what reason? Because the Board does not have time to fool with these matters.

Well, I am not going to argue the point that the Board does not have a heavy caseload. Neither would I argue the point that there is no necessity for a reorganization of the Board. I think there is clearly demonstrated the need to reorganize this Board. But my position is this: Let us not abandon the authority of Congress to determine upon how this reorganization takes place, and let us not leave for a minute our responsibility to protect the right of every litigant before every forum that exists in this country. Now, why do I think it so important that we not delegate to these people who may or may not be qualified. I would use as one example of why I do not believe that we should do this the figures of the National Labor Relations Board. We will take 100 cases as a base. Out of every 100 cases coming before one of these 60 or 70 hearing examiners, 24 percent of them—that is, the "C" cases we are talking about, and not the "R" cases—24 percent of them are never appealed. The parties get together. They make certain stipulations and agreements and understandings. They say "Well, you do this, and I will do this," and the next thing you know you have got a compromise, and 24 percent of them never reach the Board, but 76 percent of them are appealed.

Now, from the hearings that I read I find that the National Labor Relations Board proposes to reduce this 76 percent they review to about 40 percent. Well, then, what is going to become of the wrongs that citizens of this country feel have been committed against them in 36 percent of the cases? Moreover, in the 76 percent of the cases which are appealed to the National Labor Relations Board, based upon the statement of the Chairman and officials of the Board themselves, about 30 percent of them are reversed in full, modified, or in some way

changed from the original finding of the trial examiner.

That, in itself, makes it appear to me that this Congress ought not to be persuaded by the argument that it is the time element that we are concerned with. We are moving too fast and living too fast in this world, anyhow, and we cannot ever recognize that speed is so necessary that in carrying it out we must deny the rights of any individual American, however small and insignificant his complaint may be.

To substantiate that argument, let me say this: The National Labor Relations Board was created under S. 1958 in the 74th Congress, the first session, on June 27, 1935. In volume 79, part 9, at page 10298 of the CONGRESSIONAL RECORD of June 27, 1935, we find the conference report on S. 1958 creating the National Labor Relations Board. Reading from that conference report in the CONGRESSIONAL RECORD, we find these words, a part of a paragraph, and I quote exactly:

> Section 3(a) of the Senate bill provided: "There is hereby created as an independent agency in the executive branch of the Government a board to be known as the 'National Labor Relations Board.'" House amendment No. 6 strikes out the phrase "as an independent agency in the executive branch of the Government."

And continues with this significant sentence:

> The Board as contemplated in the bill is in no sense to be an agency of the executive branch of the Government.

The Board is in no sense, this conference report says, to be an agency of the executive branch of the Government.

Who signed that report? Listen to the names of some of the most distinguished Members to serve in the Halls of Congress. On the part of the House: Mr. Connery, Jr., and Mr. Ramspeck, from my own State. Mr. Griswold, Mr. Welch, and Mr. Lambertson.

The roll of those signing it from the other body would indicate that they had this thing I am trying to talk about in mind, and that is, to preserve the right of the individual: Senator Walsh of Massachusetts, Senator La Follette, Jr., Senator Murray, just recently deceased, Senator Borah, and Senator Murphy—all saying at the time this Board was created, "No, it is not to be an agency of the executive branch of the Government." Why? Because they were creating this Board to be a "quasi-judicial board."

I ask you how long will we continue to abdicate our responsibilities to the citizens to see that the Congress cares how some of the responsibilities we told them we were going to carry out when we came here are carried out. How long will we continue to delegate the functions that are charged to us to an agency downtown to come up and make of this Congress nothing more than a perfunctory body and to come and do the bidding of an agency of this Government and let it become bigger and bigger and bigger and more centralized. How long will we continue to do that?

In the words of Justice Jackson in the steel seizure case, the question I just asked can be answered, I think, precisely. Justice Jackson said this:

> With all its defects, delays, and inconveniences, men have discovered no technique for long preserving free government except that the executive be under the law, and that the law be made by parliamentary deliberations.

Mr. ROGERS of Texas. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Texas.

Mr. ROGERS of Texas. I compliment the gentleman from Georgia on an outstanding statement of the real issues involved in this reorganization plan. I, personally, feel that it would be an abdication of the powers of Congress to pass this plan. I think it is an amendment to the statute that should not be done in this way, and I think it should not be done even by an amendment to the statute. In short, it should not be done.

The gentleman has touched at length on the powers of the examiners. This reorganization plan, in effect, abdicates the adjudicatory powers to civil service employees; does it not? And, therefore, effectively puts into the executive branch of the Government those powers which were denied to the executive branch when the Board was originally established.

Mr. LANDRUM. That is absolutely correct.

Mr. ROGERS of Texas. That would be the result, would it not, of this whole procedure?

Mr. LANDRUM. I should think so, undoubtedly.

Mr. ROGERS of Texas. What we are doing is striking at the very roots of the theory of a judicial system by adjudicating this power to civil service employees.

Mr. LANDRUM. If the gentleman will permit, I actually believe we are really doing this: We are making a part of our judicial arm of government a part of the executive branch, and surrendering our authority over it, if we pass this plan.

Mr. ROGERS of Texas. The gentleman's familiarity with this particular subject causes me to ask this further question. If an examiner makes a finding and applies the law to the facts he has found and issues an order, and the Board refuses to review that order, which they would have the right to do under this plan, the appeal is taken to the court.

Mr. LANDRUM. That is, to the court of appeals, and not to a local court, as some of the testimony in the hearings would indicate.

Mr. ROGERS of Texas. The appeal then is taken to the court of appeals. The substantial evidence rule applies to that order; does it not? The court is absolutely bound hand and foot by the fact-finding of a civil service employee that has never been reviewed by the Board.

Mr. LANDRUM. Yes, sir; absolutely, by the pronouncement of the court itself, they will adhere to the substantial evidence rule.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. All of the evidence at the hearings we had, and there is a preponderance of evidence, is contrary to what the gentleman said. The court, in fact, does review the facts and that was the preponderance of evidence.

Mr. LANDRUM. The Board itself reviews the facts, but under this plan I will say they will not review the facts unless two members of the Board, or one less than a majority, vote to do so. Then, I ask you this—where are you going to find those two members? Are you going to chase them up and down the hall here and say, "Come on, I have a complaint and I want you to vote and I want you to help me"?

Mr. SMITH of Iowa. If the Board is that bad, then we are better off with the trial examiner's report instead of waiting on the Board.

Mr. LANDRUM. I still think my answer is accurate.

Mr. SMITH of Iowa. The other thing is this: As a matter of fact, the procedure will be as follows, the trial examiner issues an order and if an adversary did not question the order, then he would move for permission to appeal, and at that time it would be determined by the Board whether or not they thought there was good ground for appeal.

In doing so they are not saying whether or not——

Mr. LANDRUM. But the Board is not compelled to review it in that instance under the plan.

Mr. SMITH of Iowa. They would have to look at his motion to see whether it had substance or not.

Mr. LANDRUM. That would stand on its own basis.

Mr. FLYNT. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield.

Mr. FLYNT. First of all, Mr. Chairman, I would like to compliment my distinguished colleague from Georgia on the statement he has just made. In my opinion it was a scholarly presentation of the issue which the Committee of the Whole has before it at this time.

Let me in the first instance refer to that portion of the gentleman's scholarly presentation in which he emphasized that the conference committee of both Houses in 1935 struck out that portion of the National Labor Relations Act which referred to the National Labor Relations Board as a part or a subdivision of the executive branch of the Government, and set it up as an independent agency.

Mr. LANDRUM. An independent quasi-judicial agency.

Mr. FLYNT. Yes, performing a great many administrative, quasi-judical, and in some instances judicial functions.

Mr. LANDRUM. And, if the gentleman will permit me, I would like to add this: I believe in the language of one of the strong proponents of this plan, Mr. Ratner, who appeared before the Labor Committee advocating this plan, he used these words:

> The trial examiner under this reorganization plan becomes really in a most technical sense now very much like a judge and his powers become very, very great, and his responsibility becomes much greater than it is now.

That will be found in the hearings before the Subcommittee on the National Labor Relations Board, page 1521.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GRIFFIN. In order that we may ask the gentleman a question or two, I yield him 5 additional minutes.

Mr. FLYNT. Will the gentleman yield further?

Mr. LANDRUM. I yield.

Mr. FLYNT. In this connection, if the law should be changed as Reorganization Plan No. 5 of 1961 would effectively change it, would it not mean that there would be no real right of appeal as to the merits of a case, and the review of the facts of a case unless two members, a majority less one, of the National Labor Relations Board took affirmative action to grant a review, a right which he has under present law?

Mr. LANDRUM. The gentleman is absolutely right.

Mr. FLYNT. Would it not mean that under the proposed revisions or Reorganization Plan No. 5, in the event the Board itself granted a review, and certainly in the event that the Board did not grant a review and it went directly to the court of appeals, that the provisions of the substantial evidence rule would then be invoked? And if there is any evidence—not a preponderance of the evidence with which phrase the gentleman is well familiar—but if there is any evidence, however slight, upon which the trial examiner could have reached the conclusion that he did, the only question before the Board or the court would be simply: "Was there any substantial evidence upon which the order could be based?"

Mr. LANDRUM. The gentleman is correct. The substantial evidence rule would apply in all those circumstances, and would inevitably, in my judgment, prevent any review or trial de novo.

Mr. FLYNT. If this Reorganization Plan No. 5 should become law, would it not mean that instead of being entitled to an appeal to the Board as a matter of right, whereby the aggrieved party might seek a review of the facts in the case as well as a review of the conclusions reached by the examiner, the net effect of this would be to repudiate the right of appeal and substitute in lieu thereof simply a petition for a writ of certiorari where the only question to be considered by the Board or by the court of appeals would not be a question of review of the facts but simply a review of the rulings of law that would certainly be afforded under the substantial evidence rule.

Mr. LANDRUM. I agree with the gentleman.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Indiana.

Mr. HALLECK. The gentleman has made a very able statement, and many other effective statements have been made against adoption of this plan. I would like to observe because I am completely sure it is true, if we started here in the House of Representatives today directly by legislative action and by amendment to the Labor Management Act, the proposal would not get 100 votes out of 437.

I see the gentleman from Virginia [Mr. Smith] is here. I served on the committee with him, a special committee that investigated the National Labor Relations Board years ago. He will recall, as other older Members will, that we had amendments to the then Wagner Act that were adopted in the House of Representatives by a vote of 2 to 1, never acted on in the other body, but those amendments in large measure were directed at correcting evils that we found to exist that I say adoption of this reorganization plan would reinstate.

Reference has been made to the fact that the Board would look at what the trial examiner had done or the employee—maybe the clerks down there could decide these cases—that involved important rights of individuals. But it has been stated that the Board could review the findings and determinations of trial examiners. If the Board can do that, then they might as well start with the case.

One other observation. I would like to repeat that in the transmittal message it was said, "Provision is also made, in order to maintain the fundamental bipartisan concept explicit in the basic statute creating the Board, for mandatory review of any such decision, report, or certification upon the vote of a majority of the Board, less one member."

That assumes the law creating the NLRB provides for bipartisanship as a basic matter. There is no such provision.

The CHAIRMAN. The time of the gentleman from Georgia has expired.

Mr. GRIFFIN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. HALLECK. Mr. Chairman, there is no such provision in the act creating the National Labor Relations Board. In respect to other agencies of the Government there is such provision. There is none here. And as I pointed out earlier, while the political division of the Board is 3 to 2, there is no reason why it cannot be 5 to 0, one side or the other. Hence I say there is no basic statute for this bipartisanship.

Mr. GRIFFIN. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Michigan.

Mr. GRIFFIN. I want to refocus attention and emphasize the very significant argument the gentleman from Georgia made with respect to jurisdiction of the executive branch to submit this particular plan. We have had questions raised as to the other plans, as to whether the other agencies, the FPC, and so on, were arms of the executive branch.

I have in my hand the Reorganization Act of 1949. Section 7 makes it very clear that when used in this act the term "agency" means any executive department, commission, and so forth in the executive branch of the Government. By this reorganization plan any part of the executive branch of the Government can be reorganized.

I wonder if the gentleman would again quote from the conference report on the passage of the Wagner Act which established the National Labor Relations Board, those words that were a part of the conference report, because I think they are important.

Mr. LANDRUM. The report says:

> Section 3(a) of the Senate bill provides there is hereby created as an independent agency in the executive branch of the Government a Board to be known as the National Labor Relations Board.

House amendment No. 6 strikes out the phrase "as an independent agency in the executive branch of the Government" and continues with the sentence:

> The Board as contemplated in the bill is in no sense to be an agency of the executive branch of the Government.

Mr. GRIFFIN. The Wagner Act specifically states that the NLRB is in no sense to be considered a part of the executive branch. Is that not correct?

Mr. LANDRUM. I agree with the gentleman. That is part of the basis of my argument. Moreover, I would say that the proviso in the reorganization plan submitted, that it shall not supersede the provisions of section 7(a), I believe, of the Administrative Procedures Act, is probably also nullified by the fact that this will become a statute, and a statute would supersede it. I think unquestionably it will have the effect of a statute anyway.

Mr. GRIFFIN. I would like to read into the RECORD from the Taft-Hartley Act, which was passed in 1947 which, of course, amended the Wagner Act. Section 3(a) says that the National Labor Relations Board created by this act, prior to its amendment by the Labor Management Relations Act of 1947, is hereby continued as an agency—not of the executive branch—as an agency of the United States. And, I think that reaffirms and reinforces the point that the gentleman made that there is a very serious question as to jurisdiction; as to whether or not the NLRB can be reorganized under the Reorganization Act of 1949. And, will the gentleman agree with me that a lawyer with a case would have a very substantial argument before a court, if he were denied review by the Board pursuant to this plan—if he were denied review by the Board, that he would have a very substantial argument that this plan was null and void.

Mr. LANDRUM. If I were employed as an attorney representing a client in such an instance, I would feel derelict in my duty if I did not press that point before the court.

Mr. GRIFFIN. That being a very substantial argument, I, for one, am willing to concede that there are problems of backlog facing the NLRB. However, I think we have made substantial improvement in the 1959 act which the Board has only recently seen fit to implement. But, I think we should proceed through the regular legislative process if we are going to do any further reorganization of the Board. Does the gentleman agree?

Mr. LANDRUM. I am in complete agreement with the gentleman and say this, let this House today defeat this reorganization plan offered and then go

back to the legislative committee, and, as long as I am a member thereof, I will do everything I can to see that a law providing proper reorganization is accomplished.

The CHAIRMAN. The time of the gentleman from Georgia has again expired.

Mr. GRIFFIN. Mr. Chairman, I yield the gentleman 5 additional minutes.

Mr. COLMER. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield to the gentleman from Mississippi.

Mr. COLMER. The gentleman twice read here from the conference report to the effect that this agency was not to be considered a part of the executive department, which we now understand the reorganization would bring about, in effect. Now, what I wanted to emphasize here was this: The gentleman read the names of the distinguished Members of both Houses of the Congress who at that time signed the conference report. I ask the gentleman if it is not a fact—and I can certainly testify to it from my own observation here—that those who signed that conference report were regarded as great liberals in the Congress at that time.

Mr. LANDRUM. My observation from the record, which is the only thing I know, is that these gentlemen were so regarded, and I think history still regards them as such. Certainly I think they were great liberals and contributed immeasurably to the progress that this country has made.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. LANDRUM. I yield.

Mr. SMITH of Iowa. I should like to point out, and I wonder if the gentleman would not agree, that in the Landrum-Griffin bill we legalized the Board's giving away jurisdiction in certain dollar volume cases. That is, those that do less than a certain dollar volume.

Mr. LANDRUM. The gentleman is not correct. The gentleman is referring to the "No Man's Land" section of the jurisdictional question. Here is what we did in the Landrum-Griffin bill on that. The Board had established its own rule saying that when a complainant, a party litigant, had a matter that failed to meet the minimum standards that they set up—let us say, for example, $150,000 in volume—that they would not hear that case. Following that a decision was handed down by the Supreme Court that they could not get relief in the State courts, because the Congress had conferred that jurisdiction on the National Labor Relations Board. Therefore, you had a "No Man's Land" where those people who had been wronged could not get into court; they had no forum to which to go. So what we did was this. We said that under the jurisdictional lines that the National Labor Relations Boards sees fit to establish under their rules and regulations, when one is denied a hearing before the Board on account of not being able to meet that minimum, then and then only would the State courts have jurisdiction to hear it. That is exactly what we did.

Mr. SMITH of Iowa. So we did legalize the giving away not only the right to review those cases, but also all rights.

Mr. LANDRUM. No; I disagree with the conclusion that the gentleman has arrived at.

Mr. GRIFFIN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman, I should like to ask the Members, if they have a copy of the report by the Committee on Government Operations which accompanies House Resolution 328 relating to Reorganization Plan No. 5, to open the report to the tables on pages 12 and 13. In the course of my remarks, I should like to refer to the tables and the statistical information set forth there.

Reiterating an observation made earlier in this debate, it should be recalled that Reorganization Plan No. 2, relating to the FCC, was dealt a devastating blow when the distinguished Speaker and the chairman of the Committee on Interstate and Foreign Commerce argued, during the course of the debate on that plan, that fundamental law written by the Congress should be amended or changed only by a legislative act of Congress enacted in accordance with the regular legislative process—and not through the device of a reorganization plan. Their statements are quoted in the minority views on page 16 of the report.

I want to recall again that, in 1959, we were concerned about the backlog of cases that faced the NLRB, we were concerned about the great amount of work that the Board had to handle, we were concerned about some of the same problems that are being discussed here today, and Congress did write into the 1959 Labor-Management Reporting and Disclosure Act a very important provision. In section 701(b) of that act we provided that the handling of representation cases, which are nonadversary, nonadjudicatory proceedings, could be delegated by the Board—not to any employee, not just to anyone—but to the regional directors of the National Labor Relations Board. Congress said that; we spelled it out in law. But now, after taking that specific legislative action in 1959, we are confronted with Reorganization Plan No. 5 which provides that the Board can delegate any of its functions to any employee.

Now, there is a proviso in plan 5 which says that section 7(a) of the Administrative Procedures Act shall not be superseded.

But section 7(a) of the Administrative Procedures Act applies only to adversary proceedings or adjudicatory matters, and this would include unfair labor practice cases. In view of that proviso it would appear that Board powers with respect to unfair labor practices could not be delegated to anyone other than a hearing examiner. At least, I am going to accept that for the purposes of argument, even though I realize that it is not a settled matter as far as some people are concerned.

However, it seems to me there can be no real question but that representation cases are not saved by the proviso referring to section 7(a) of the Administrative Procedures Act; representation proceedings are nonadjudicatory, and under plan 5 the Board could delegate its functions and powers, with respect to representation matters, not only to regional directors, as we specifically provided and limited, but to any employee. So there is no question, in my opinion, but that this plan 5, if it goes into effect, would have the effect of statute and, being later in time, it would supersede section 701(b) of the 1959 Labor Reform Act in which we specifically provided that representation matters could be delegated only to regional directors and to no one else.

How significant was the change that Congress made in the 1959 act. Although lots of statistics are being bandied around here today, many of them do not mean very much because the Board has only recently, as of May 15, 1961, seen fit to implement the authority which Congress granted it in the 1959 act to delegate representation cases to its regional directors.

Looking at the committee report on page 12, for example, notice the table reflecting the number of case filings. In support of this reorganization plan the proponents indicate that 18,000 to 20,000 cases are pending before the National Labor Relations Board. This is not quite an accurate picture because those numbers refer only to the charges that are filed into the regional offices. Those numbers do not refer to the cases actually pending before the National Labor Relations Board. Do not be confused by those statistics. Look at the third table on page 12, entitled, "Contested proceedings transferred to Board." Those are the cases actually pending before the National Labor Relations Board in Washington. A great many of the charges and complaints that come into the regional offices in the field, like that come into a prosecuting attorney's office, never materialize into litigation. Some are withdrawn. Some are dismissed. Many never get to the litigation stage and they never get to the National Labor Relations Board.

Looking at that third table, notice the breakdown between representation cases and unfair labor practice cases. Representation cases in 1961, for example—and the figures are not complete—which were transferred to the Board were 2,319. How many complaint cases were transferred to the Board? Six hundred and sixty-six.

More time is required for the Board to handle a typical unfair labor practice case, as compared with representation cases—I do not want to leave any distorted impression about that fact; it takes about three times as long for the Board to handle an unfair labor practice case as a representation case—but look at the substantial caseload in representation matters that Congress in 1959 authorized the National Labor Relations Board to transfer and delegate to its regional directors. However, not until May 15, 1961, did the Board not exercise its authority to delegate such mat-

ters to its regional directors. When one looks at the fact that the Board has retained decision-making power only in unfair labor practice cases, and then looks at the number of such cases the Board is actually handling, the caseload is not nearly as startling as some would have you believe.

I would like to focus attention upon another fact. Back in 1957 and 1958 the Board made a shift in its way of keeping statistics. Of course, these agencies like to come before the Appropriations Committee and tell about how many cases they handle and if they can make these numbers look larger it helps them as far as their appropriation is concerned. I am not judging whether or not the Board has been getting too much or not enough money, but look at table 1 at the top of page 12. Notice that in 1957 there were 5,506 unfair labor practice cases filed and that in 1958 this figure nearly doubled, to 9,260. Do you know why? Because right there, between those 2 years, the Board changed the method of keeping its statistics as far as unfair labor practice cases were concerned, but not as far as representation cases were concerned.

If there should be an unfair labor practice charge which affected 40 men in a plant, although there would be only one situation and only one determination of law or fact to be made, the Board began, in 1958, to count that as 40 complaint cases instead of 1.

Accordingly, the 1958 figure is almost double for unfair labor practices while the number of representation cases was actually declining. There might be 50 employees, for example, trying to get an election and file a representation petition. That is counted as only one case.

Some of my northern Republican friends, I appreciate, are a little squeamish about this Reorganization Plan No. 5 because they fear that it may have something to do with union organization in the South and so forth. Let me say this. We took the bold step in 1959 when we delegated representation and election cases to the regional directors. We took a long step then to speed up the handling of elections and to make it easier to organize in the South.

In addition to that, we put some restrictions on blackmail, organizational picketing, and provided a quick election procedure; in such cases, if a union engages in organizational picketing, it must file for an election within 30 days and an election must be held "forthwith." We have given the Board power to delegate its authority with respect to representation of elections. I am not saying that in no instances do unfair labor practices have any effect on representation matters because collaterally they do. But I will say this: The great bulk of what could be considered nonadversary administrative type of work can now be delegated by the Board under the 1959 act.

So we do not know really, at this point, how loaded down the Board will be when its delegation of May 15 becomes fully effective.

In effect the gentleman from Illinois [Mr. PUCINSKI] asked me earlier why we had permitted this delegation of authority to the regional directors with respect to representation matters if we are not willing to permit delegation in complaint cases. Because of the very nature of the unfair labor practice case. A trial examiner who decides an unfair labor practice charge is sitting in the same capacity as a Federal judge. If one had a choice to go either to the NLRB or into Federal court, the situation might be different. But one does not have that choice. In this particular field, one must go to the NLRB if his case falls within its jurisdictional standards. Incidentally, it should be kept in mind that the Board has ordered unions, as well as employers, to pay or refund large sums of money. In 1960, unions in more than 300 cases, in looking at the annual report of the NLRB, were compelled to pay nearly $100,000 to employees as the result of orders of the NLRB in unfair labor practice cases. Plan 5 would allow the Board to put this power in the hands of a civil service employee who is not approved by the Bar Association, who is not required to be a lawyer, who is not appointed by the President, and who is not confirmed by the Senate; he would have all of the powers of a Federal judge. That is why we limited the Board's authority to delegate in the 1959 act. After the NLRB delegation of authority to the regional directors in representation matters has had an opportunity to work for a while, if Congress believes that something further should be done to relieve the caseload of the Board then, perhaps, we should consider some other possibilities.

Perhaps the NLRB should be a Board to handle only representation and election matters. Perhaps unfair labor practice cases should go to the Federal district courts. This is a proposal that has been seriously urged. Perhaps we should set up regional labor courts or regional labor boards, and specify the qualifications of the people to be sure they will have the qualifications of Federal judges, if we are going to give them the powers of Federal judges. I believe we all want as much speed as possible in the handling of NLRB cases. But as the gentleman from Georgia has indicated, speed is not always the same thing as justice.

In the area of unfair labor practices there is no room, I submit, for any bargain-basement justice.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. GRIFFIN. I yield to the gentleman from Indiana.

Mr. HALLECK. Apropos the advisability of the continuing review by the Board itself, it might be interesting to point out, as I understand from the testimony, in 1960 357 cases were reviewed by the Board. In 102 of those cases the determination of the trial examiner was overruled in whole or in part; in other words, almost one-third of the determinations made by the examiners on review were either reversed or altered by the Board itself. That would seem to me to be a statistic that ought to be convincing to everybody, that to turn this complete authority over to trial examiners or employees of the Board is an extremely dangerous thing.

Mr. GRIFFIN. In addition to that I should like to focus attention on page 13 of the committee report dealing with a fact that has already been referred to. The Taft-Hartley Act provided that the Board can delegate adjudicatory matters—not to employees or civil servants—but to a panel of the Board itself. It is interesting, for example, to note that in the fiscal year 1960 the Board decided a total number of 357 complaint cases; out of that number only 66 were decisions by the full Board; 278 were decided by panels of the NLRB.

The CHAIRMAN. The time of the gentleman from Michigan has expired.

Mr. SMITH of Iowa. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina [Mr. BONNER].

Mr. BONNER. Mr. Chairman, there are three reorganization plans pending before the committee headed by the gentleman from Illinois [Mr. DAWSON].

In this morning's Washington Post there appeared an article written by Mr. Drew Pearson. A long time ago I learned never to get in an argument with a newspaperman or a highway partolman, but the reason I have asked for this time to comment on this article is that I have been misquoted. I have been misquoted in respect to the character and type of many fine men, industrious men, men who were presidents and executives, operators of the American-flag merchant marine. I do not feel in my conscience that I should pass up the opportunity I have to correct this misstatement.

The article deals with plan No. 7. It goes on to talk about the operators of the American merchant marine, two other Members of Congress, and myself. In particular I want to read this part of the article that refers to me. They are writing about plan No. 7 here. The article states:

> However, the shipping tycoons have failed to win over Chairman HERBERT BONNER, of North Carolina, who remarked recently that the steamship crowd reminded him of "a bunch of WPA workers."

That statement is false. There is no foundation whatsoever for that statement. I have not discussed any matter with Mr. Pearson, certainly this year, nor many months previous to this year. Nor have I had any conversation whatever with any of his representatives, nor would I make such a statement about the fine gentlemen who are executives of a great business in this Nation.

The article goes on to say, "Instead of raking leaves" he said—I presume he is talking about me—"they are raking in $300 million a year. Now they are threatening to lay down their rakes unless they can name the head of the WPA."

Mr. Chairman, I have known many, many fine men who were administrators of the Maritime Administration, who served under a Republican Chief Executive. I remember Mr. Clarence Morse; I remember several others. And I can stand here and testify as to their character, their good standing, their honesty and integrity.

In my 20 years on the Merchant Marine Committee, yes, I have made many fine friendships of the operators of the merchant marine. I have found them to be honest, honorable men, I have found them to be men who have invested their own private capital and the private capital of the American people in an institution 50 percent of its value being for the national defense of this Nation.

I think it little behooves anyone, whether you agree or disagree with the plan, to use this approach of maligning and abusing these operators.

Mr. Chairman, as I said in the beginning, I have not talked with Mr. Pearson. He has written me up once or twice before, and that is his business. He has written up other Members of Congress. That is their business. But in this article I point out that Mr. BOYKIN, of Alabama, voted in the Committee on Merchant Marine and Fisheries for the plan, and the committee voted 14 to 11 in favor of the plan, after 3 days of hearings.

The quotation referred to was never made to Mr. Pearson, his staff, or any other person.

Mr. GRIFFIN. Mr. Chairman, I yield 10 minutes to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Chairman, I realize the hour is late and I will not speak too long on this reorganization plan now before us. I regret that other responsibilities have kept me off the floor a part of the afternoon, so I have not had the opportunity to listen to all of the debate. However, as the ranking member of the Subcommittee on Government Organization of the House Committee on Government Operations, I feel I should express my views and opinions on this matter, some of which, of course, can be found in the minority views in the committee report, and also in the testimony taken by our subcommittee on this particular reorganization plan.

First of all, if you will permit me, I would like to call to your attention the fact that not too long ago, on the floor of this House, I questioned very strongly the right of the President of the United States, under the Reorganization Act of 1949, to submit any reorganization plan or plans dealing with the independent agencies of the Government. That view was supported by some of the best attorneys in the House, and likewise that view was opposed by other good attorneys in the House.

I was happy to be able to hear, a few moments ago, most of the statements made by that very able lawyer, the gentleman from Georgia [Mr. LANDRUM], on that subject.

The question arises, of course, primarily just what the Reorganization Act of 1949, which we have extended time after time, provides. And, I would like to interpolate, as many of you know, I have stood in the well of the House many times and supported reorganization plan legislation, although I did insist, as you may recall, that we limit the right of reorganization in a way so that one House, by a vote of a simple majority of those present, could reject any reorganization plan.

I would like to read to you again, if I may, one provision of the Reorganization Act of 1949, which is still in effect, as to the authority of the President to submit plans to reorganize various agencies and departments of the Government. Here is what it says, and I again quote section 7 of that act:

SEC. 7. When used in this Act the term "agency"—

And this refers all the way through to the agencies in the executive branch of the Government—

means any executive department, commission, council, independent establishment, Government corporation, board, bureau, division, office, officer, authority, administration, or other establishment—

Now let me emphasize the following language—

in the executive branch of the Government.

Now, is the NLRB in the executive branch of the Government or is it an independent agency? I would like to remind you that when the original Wagner bill—S. 1958, which created the NLRB—passed the Senate in 1935 it provided:

There is hereby created as an independent agency in the executive branch of the Government a Board to be known as the National Labor Relations Board.

However, House amendment No. 6, struck from the bill the phrase "as an independent agency in the executive branch of the Government."

So, in my mind, in no sense can the NLRB be considered to be an agency of the executive branch of the Government, and therefore, there is no real legal authority to bring this particular plan before the Congress for approval or even for the President to submit it.

I want to remind you that back, if I remember correctly, in the Roosevelt days, of the case of a commissioner of one of these independent agencies created by the Congress. In that decision the Supreme Court said that although the President of the United States had appointed the individual to serve on that Commission, he had no right to remove him, as he attempted to do, because it was an independent agency and an arm of the Congress, and not a part of the executive branch of the Government.

Let us look at this particular plan for just a moment or two. It is different from Reorganization Plans No. 1, No. 3, and No. 4. It is somewhat similar to plan No. 2 which was submitted and defeated here. The other plans did not amend statutory law. But this particular plan does attempt to amend, as has been pointed out, statutory law, just as did plan No. 2.

If you will refer back to the report, you will find the exact language whereby this plan would set aside section 701(b) of the Landrum-Griffin Act. It would also make some changes in the original Taft-Hartley Act, as has been well pointed out on the floor of this House by far more able speakers, and by far more learned attorneys, than myself.

Let us go further. I feel there is another issue involved here, and that is the delegation of power. This plan is a little different from some of the other reorganization plans. It does not provide that the Chairman of the Board shall or may directly delegate certain powers and authorities to employees of the Board. Instead it provides the Board may delegate such authority.

However, we had before our subcommittee Mr. Stuart Rothman, the Counsel for the National Labor Relations Board—the attorney or the lawyer who advises the Board as to its rights and its privileges, and so forth—and, if you will read the hearings, you will find that upon questioning by myself, he testified as follows—but, first, here is my question:

Mr. BROWN. All right, answer my question, whether or not, under this reorganization plan, in your legal opinion, the Board could delegate all of its powers to the Chairman to, in turn, set up these different examiners and delegate authority where he pleases.

Remember, this is the lawyer for the NLRB, or General Counsel, I am questioning.

Then we have his answer:

Mr. ROTHMAN. The reorganization plan appears broad enough to so authorize.

So, under this plan it would be very easy for the Board to say "we will turn over all of this authority to delegate power to the Chairman of the Board."

Let us see to whom he could delegate, or the Board, could delegate, such power. To the examiners, of course. In fact, this plan does delegate power and authority to the examiners. And who are these examiners?

I think if you will go check the files of some of the committees in this House, not the committees upon which I serve, you may be amazed to learn who some of these examiners are, and what their past records and connections have been. But let us go a little further. These men, these examiners, out in the field, would have the power to make decisions, and unless two or more members of the Board agreed there should be a review of their decisions, they would stand. They would have the virtual effect of law, or of a court decision.

In another question of Mr. Rothman I asked, and it took some time to get the answer—I asked whether or not the Board, under the present law, is required, upon application of an interested party, to review the decisions and the findings of these examiners, and what it had done about them. I asked:

What do you find as to the ability and the work of the examiners?

He answered:

Whenever we think they are wrong we seek to, or the Board seeks to, overrule the decision of the trial examiners.

I then asked this question:

Mr. BROWN. What percentage are overruled?

Mr. ROTHMAN. I think that the Board overrules the trial examiner in those cases where exceptions have been taken from the decision of the trial examiner, in some 25 percent of the cases that have been appealed. Now those are not necessarily the cases in which I have excepted, but it may be the cases in which the other party has excepted.

In addition, as the gentleman from Indiana, our minority leader, well pointed out, appeals are also taken from the decisions of the Board to the Federal courts, as well as appeals being taken to the Board from decisions of the examiners.

Does it not appear to you that where the examiners are found wrong, by their own superiors, 25 percent of the time in the cases which are appealed to the Board, and they are also found wrong in other cases which may be appealed to the courts, that it is a little risky, it is a little dangerous, to adopt a reorganization plan which would give almost complete authority to the examiners to make final decisions in these cases?

In other words, on their own record, the Board's record, on their own testimony, their own examiners have been found wrong 25 percent of the time in the cases which have been appealed to the Board, and then the Federal courts have gone further into cases which have been appealed from the Board itself, they have found more instances in which the examiners were wrong. Does it not seem just a little foolish, a little silly, perhaps, to say we are going to trust this type of official, we are going to give this final authority to such examiners, unless somehow or other interested persons can prevail upon two or more members of the Board to hear their case and to review that which the examiners have done?

I say to you, whenever you have persons in an organization, I do not care what they may be doing, whether they be examiners or not, they cannot be trusted. What would you do with a stenographer, 25 percent of whose letters were wrong, or the words were misspelled? You would get rid of her, would you not? You would not let such a person work for you. Yet here is a report, carrying their own statement before a legislative committee of this Congress, admitting that in 25 percent of the cases appealed to the Board, their own examiners have been found wrong.

So I say to you, in my opinion, it is foolish and it is wrong not to reject this plan, but instead to put the people of America under the control of such examiners who have been wrong such a great percentage of the time. Undoubtedly if this kind of reorganization plan becomes effective you will have even less able examiners in the future than you have had in the past.

So for these reasons I shall support the resolution to reject this plan in order to protect the people I represent and the employers and workers of this country from the mistakes that the Board itself, and its legal counsel, frankly admit have been made by the examiners out in the field. Instead, I shall vote to protect the rights of all individuals, coming under this law, to appeal to the Board itself, in any and all cases, for review of the findings of the examiners so justice may be obtained.

Mr. GRIFFIN. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. YOUNGER].

Mr. YOUNGER. Mr. Chairman, I was rather surprised this afternoon when I heard the gentleman from Florida say that he was not concerned with any other method of treating this problem. I think we will all admit the regulatory agencies have a problem in regard to handling their cases. But, there are a number of methods by which we can reach a solution. It is rather surprising to hear a Member of the House of Representatives say that he is not particularly concerned as to how we should arrive at the solution, especially when under the reorganization plan there is no question but what we are abdicating a power which we now possess and we lose it by this reorganization plan. This plan is almost identical with slight changes with plan No. 2. That was turned down by the House.

Our committee, from a legislative standpoint, has already reported out a reorganization plan for the FCC. We have also already reported out a plan for the ICC. There is no question in my mind but what the legislative committee having to do with the legislative jurisdiction of labor matters can solve this problem in a legislative way without relinquishing any of the powers which we now have in the House.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. YOUNGER. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. I do not understand what powers we now have that we are giving up under this plan.

Mr. YOUNGER. For the simple reason that once you allow the executive branch to control and reorganize an independent agency, and I will admit there is a very serious question that has been raised here today, whether the executive has the power under the Reorganization Act to reorganize this independent agency—but once we recognize that it has that power, we cannot return to the right which I think we have now, that is the legislative right over that agency.

Mr. SMITH of Iowa. I am still saying that any question you raise here could be applied to almost all of these administrative agencies that have been reorganized since 1949.

Mr. YOUNGER. That is right, and I have been against all of them and I will be against this one because I think fundamentally, as Members of the House, we are relinquishing our control over the arms of Congress—what we call the arms of the House of Representatives.

Mr. SMITH of Iowa. This is not a new precedent. You say we are adding to a precedent started in 1949.

Mr. YOUNGER. No, we have not reorganized any of the independent agencies—at least this Congress has not, and we are not accountable for what the prior Congresses may have done. I was not here in the House of Representatives then. But, I am responsible for my own vote as to what we do now. I think this is bad and we certainly should turn down this reorganization plan.

Mr. Chairman, I want to read a letter I received today from a lawyer who I think has more experience in the area of labor relation questions than any other attorney in our area. He is J. Hart Clinton who is also editor and publisher of the San Mateo Times. This is his letter:

SAN MATEO TIMES,
San Mateo, Calif., July 17, 1961.

Hon. J. ARTHUR YOUNGER,
House Office Building, Washington, D.C.

MY DEAR CONGRESSMAN: We urge you to oppose President Kennedy's Reorganization Plan No. 5 which would change certain existing procedures of the National Labor Relations Board.

We sincerely feel that changes of the nature proposed in Reorganization Plan No. 5 should be made only through legislative action, rather than by Presidential order. We believe you will agree that the operations of the National Labor Relations Board are of extreme importance not only to labor and management but to all members of the American public and to our economy; it is too important to be amended without the careful and deliberate consideration and judgment of the House and the Senate.

Aside from our strong feeling as to the proper method for effectuating changes in the Board's operation, we have specific objections to the provisions of Reorganization Plan No. 5. Excessive authority would be placed in the hands of trial examiners and in some cases they could be vested with judicial power which they should not properly assume. We question whether Reorganization Plan No. 5 would not deprive citizens of due process under law. Moreover, we think any investigation or study of the Board's present operation and of the provisions of Reorganization Plan No. 5 would convince you that the plan would not solve the Board's problem of case backlogs and could, conversely, create all kinds of other problems.

We trust that you will give our views your most serious attention.

Respectfully yours,
J. HART CLINTON,
Editor and Publisher.

That letter is from an attorney who has had more experience in labor relations and with the Labor Relations Board in our section than any other person I know of.

The CHAIRMAN. The time of the gentleman from California has again expired.

The gentleman from Illinois is recognized.

Mr. ANDERSON of Illinois. Mr. Chairman, may I inquire how the time stands?

The CHAIRMAN. The gentleman from Iowa has 3 hours and 4 minutes remaining; the gentleman from Michigan 3 hours and 21 minutes.

Mr. ANDERSON of Illinois. Mr. Chairman, we have had a succession of speakers from this side. Cannot the gentleman from Iowa yield to a Member on his side?

Mr. SMITH of Iowa. Mr. Chairman, I think the gentleman from Illinois should yield to equalize the time.

Mr. ANDERSON of Illinois. If the Chair will permit, there is quite a wide divergence in the time. I think the gentleman on the other side should yield.

Mr. DINGELL. Mr. Chairman, in order to help our Republican colleagues get their Members here, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count.

One hundred and thirty-five Members are present, a quorum.

Mr. HOFFMAN of Michigan. Mr. Chairman, I yield such time as he may require to the gentleman from Indiana [Mr. HALLECK].

Mr. HALLECK. Mr. Chairman, we have had a constant stream of speakers on this side, and it would seem to me only fair and right that the Chairman would ask the gentleman in charge on the Democratic side of the aisle for a speaker at this time. At the moment it looks as if we may have one more speaker. Of course, if the Chairman insists that we yield time, we shall do so.

The CHAIRMAN. The Chair is not insisting on anything. The Chair is seeking to be helpful. The gentleman has 14 minutes less time than the gentleman on the other side.

Does the gentleman from Iowa desire to yield time at this point?

Mr. SMITH of Iowa. We have one gentleman who wanted to talk, but he prefers to wait.

The CHAIRMAN. The Chair would like for somebody to make some sort of a decision.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. SMITH of Iowa. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. How many more speakers, may I ask, on the other side?

Mr. HOFFMAN of Michigan. Three.

Mr. McCORMACK. How does the time stand?

The CHAIRMAN. The gentleman from Iowa has 3 hours and 4 minutes remaining, and the gentleman from Michigan has 3 hours and 21 minutes remaining.

Mr. McCORMACK. Mr. Chairman, I would think under those circumstances that the gentleman has used less time than has been used over here.

Mr. HOFFMAN of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN of Michigan. Is it the ruling we should use some of our time now?

The CHAIRMAN. The Chair is not insisting on anything. The Chair is simply asking somebody to make a decision.

Mr. HOFFMAN of Michigan. On this side we go along with the majority leader.

The CHAIRMAN. If no one yields time, the Clerk will read.

Mr. McCORMACK. The gentleman has three more Members to speak. The gentleman from Michigan should have one of his Members speak.

Mr. HOFFMAN of Michigan. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HOFFMAN of Michigan. How much time must we use on this side before the other side is going to use time?

The CHAIRMAN. The gentleman from Michigan is entitled to use time now because he has more time remaining at this point than does the gentleman from Iowa.

Mr. GROSS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. GROSS. How many speakers do they have on the other side?

The CHAIRMAN. The Chair is not able to answer that question.

Mr. McCORMACK. Mr. Chairman, I understand there are three or four more speakers on this side.

Mr. HOFFMAN of Michigan. Any idea how long each one will talk?

Mr. McCORMACK. Mr. Chairman, apparently we are not going to have any cooperation from the other side, so we will yield time.

Mr. SMITH of Iowa. Mr. Chairman, I yield 15 minutes to the gentleman from Illinois [Mr. PUCINSKI].

Mr. PUCINSKI. Mr. Chairman, I rise in opposition to House Resolution 328. I hope that this resolution which would disapprove Reorganization Plan No. 5 will be rejected by the House and that Reorganization Plan No. 5 will go into effect on Sunday night.

May I at this time congratulate the gentleman from Florida [Mr. FASCELL] for the very fine statement he made at the opening of this debate earlier today and also congratulate the gentleman from Illinois [Mr. DAWSON], chairman of the Government Operations Committee, for the excellent report his committee prepared on this subject. I have had the honor of serving as chairman of a subcommittee of the House Committee on Education and Labor which since May 8 has been conducting a study of the National Labor Relations Board.

On this committee we had on the Democratic side the gentleman from California [Mr. ROOSEVELT], the gentleman from Pennsylvania [Mr. DENT], the gentlewoman from Washington [Mrs. HANSEN]; and on the Republican side we had the gentleman from Michigan [Mr. HOFFMAN], the gentleman from Michigan [Mr. GRIFFIN], and the gentleman from Ohio [Mr. ASHBROOK]. We have had 15 hearings. We heard 60 witnesses and invited some 1,300 members of labor and management and students of the National Labor Relations Board to participate in this study.

Mr. Chairman, there is no question in my mind but that some action must be taken and must be taken now if you are to avoid complete chaos in the National Labor Relations Board. We have tried to conduct our investigation in a nonpartisan, dispassionate, determined way, and I think that on both sides of the aisle we can all agree that the Board is certainly beset with extremely serious problems. This Board is expected to handle 23,000 cases by next year. The Board right now has a backlog of 1,100 cases, of which 456 are complaint cases, and which, according to testimony before my committee, take an average of 438 days to adjudicate.

There is no question in my mind that well-meaning Members on both sides of the aisle could argue endlessly about the fine nuances, the fine shading in this legislation. But, when you reduce all of these arguments to their lowest common denominator, you are still faced with a very serious problem right now in the National Labor Relations Board. Those of you who want to promote labor-management stability in this country, those of you who believe that America needs good labor-management relations if we are to have economic growth, those of you who honestly believe in the capitalistic system will have to admit that we must have a forum before which both the men representing labor and the men representing industry can appear and judiciously, expeditiously, fairly, and justly resolve their differences. This is not being done before the Board today.

I need not remind you of the old axiom that "justice delayed is justice denied." This justice is being denied today both to management and to labor, not because of any shortcomings of the members of the Board, not because of any shortcomings of the examiners, not necessarily because of any shortcomings on the part of the dedicated employees of the National Labor Relations Board, but rather by the system under which they must operate.

As I sat here all afternoon listening to the arguments on both sides, one inescapable conclusion came across my mind, that you can go ahead and pick these plans apart here and there and there and there, but the fact remains that unless this plan is permitted to go into operation, you are not going to promote the kind of labor-management relations climate and good will that we need in America, particularly at this very crucial time.

I say, my friends, how can any American in Congress or out of Congress, Democrat or Republican, expect five members of the NLRB to deal with 23,000 cases, every single one of which under the present rules can be appealed de novo to that Board? Can anyone deny this statement that I make here today? We now have 1,100 of these cases pending. So, I say this Reorganization Plan No. 5 is a fair and honest plan.

I know that the members of this Board, even if they worked around the clock, even if they tried to clean up this backlog right now—and the gentleman from Michigan [Mr. GRIFFIN] admitted that "C" cases take three or four times as long to conclude; even if the Board members wanted to, they would not have the human strength to clean up the present backlog with no consideration of new cases. So, when you consider what they are up against and then read this plan fairly and honestly, you will have to admit that this reorganization plan will go a long way.

The executive secretary of the NLRB in his statement to our committee said:

> The notorious problem of delay in the issuance of its decisions is, of course, the most aggravating problem the Board has. It is by all odds the grounds for most of the criticism and complaints against the Board. It is difficult enough to handle cases with promptness; it is almost impossible to do so with the backlog the Board has had.

We should constantly remind ourselves that in each one of the 456 unfair labor practice cases which were pending before the NLRB on May 1 of this year,

there were allegations that rights which Congress sought to protect have been violated. These cases involved employers, unions, and individual workmen. A great deal of the testimony before the subcommitte on the NLRB has dealt with the demoralizing effect which months and months of litigation before the NLRB has upon employees who have attempted to form into unions and who have been discharged for union activity.

I would like to show you gentleman on this side what is the practical effect. You have heard a great deal of discussion here today about the fact that in 1959, we in this Congress delegated to the regional directors authority and jurisdiction over recognition cases. This is meaningless. What you have done in 1959 is absolutely meaningless under the existing rules of the Board. Let me give you a practical example of what happens. A group of workers will get together and decide they want to organize into a union, and they go through the procedures outlined in the 1959 Landrum-Griffin Act, and file for a recognition election. They can get this in somewhere around 120 days. But somewhere along the line in this span of 120 days some altercation occurs between the employer and the workingman which is grounds for an unfair labor practice case, for a "C" case complaint, and that is filed with the Board.

Now, we know that that recognition election will be held up until this "C" case is disposed of. Therefore, when you have an average of 458 days before the Board on "C" cases, whatever relief, well meaning as it may have been in 1959, and I supported that relief, that relief in effect is meaningless unless you give this Board now the authority to move more expeditiously on these "C" cases. This same problem applies to employers who seek a speedy election only to see it delayed by a prolonged unfair labor complaint brought by a union.

I hope those of you who are opposing Reorganization Plan No. 5 will keep this very important factor in mind.

Mr. DINGELL. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. One hundred and forty-one Members are present, a quorum.

Mr. PUCINSKI. The Subcommittee on the National Labor Relations Board has been presented with cases in which the Board decision took more than 3 years from the date the unfair labor practice charge was filed. In some of these cases the decision of the Board took more than 2 years from the time the trial examiner issued his intermediate report. The subcommittee has in its files cases which were pending before the Board at the end of April of this year in which the charges were filed more than 3 years ago and in which no Board decision had issued. Our files also indicate that cases were pending before the Board at that time in which the trial examiner's report had issued more than a year ago. In each one of these 450-some-odd cases, if there is a violation, the parties involved should know it promptly. It is equally important that if there is no violation this should be known by the people affected as soon as possible.

No witness who has appeared before our subcommittee has denied that a serious problem presently exists in the procedures of the National Labor Relations Board caused by the inability of the Board to make faster decisions in unfair labor practice cases. The President's Reorganization Plan No. 5 is designed to alleviate this problem by permitting the Board to adopt procedures for limited review of the decisions of its trial examiners.

Mr. Guy Farmer, a former Chairman of the National Labor Relations Board and an attorney now practicing in the National Labor Relations Board field representing employers and who served as a member of the Cox advisory panel to the Senate Committee on Labor and Public Welfare in 1959, and Mr. Louis Sherman, an attorney representing unions, and Mr. Gerard Reilly, former Board member and lawyer representing employers who also served on this panel, appeared before our subcommittee and spoke in favor of giving more finality to the trial examiners' reports.

Mr. Joseph Jenkins, an Eisenhower appointee who served as a member of the National Labor Relations Board from March 1957 to March of this year, and who is generally recognized as sympathetic to problems of employers, spoke strongly in favor of President Kennedy's Reorganization Plan No. 5. He also indicated quite frankly that many parties, both employers and union, now use the present procedures of the Board merely for the purposes of delay.

Their testimony proves what I said earlier, that justice delayed is justice denied. This is exactly what is happening before the Board now.

Let us see what Mr. Jenkins had to say about the appeals to the Board. There has been a great deal of discussion here about the great terror, the great fear, the great damage that would be done to America if we were to give these trial examiners greater finality. There are those who say every single fact and every single case must go before the Board, if the rights of these people are to be fully protected.

Let us see what Mr. Jenkins says about the appellate procedures:

I do not think there would be any grave danger or possibility of its misuse (referring to plan No. 5). I am inclined to agree with your analysis of section 7(a) of the administrative procedures act in regard to hearing examiners, and also to agree with your statement about the delegation to regional directors.

Now, getting to the last question about the length of time consumed before the National Labor Relations Board. In my recommended rules of practice, I endeavor to solve that problem by providing certain standards for review of intermediate reports.

Mr. Jenkins goes on to say, and I wish my fellow Members would listen to this because there has been this great emphasis placed on this appellate procedure question:

I took one of the volumes of the Board decisions, I believe it was volume 101, and made an analysis of what the Board did with cases, and it turned out that in one-third of the cases where exceptions were filed, the Board did what I call rubber stamping of the trial examiner's intermediate report. They merely wrote a one-page opinion in which they affirmed it. In one-third of the cases, they modified slightly the trial examiner's intermediate report and, of course, in the other third of the cases in that volume, they had made some substantial changes in the intermediate report.

Continuing with Mr. Jenkins' statement:

It seemed to me that one of the ways of eliminating the delay would be to limit the ground for review because as things now stand, a trial examiner will issue an intermediate report, a party will file exceptions to that report which will be accepted; the exceptions themselves may not really refer to specific pages or lines or cases, but the whole case is then taken by a legal assistant to a Board and completely reviewed.

After it has been completely reviewed, you may wind up with a one-page decision.

Now, the one-page decision after it has been completely reviewed proves what? That nobody had any basis for taking exceptions to the intermediate report in the first place, but somebody either on management's side or on the labor side found it to their advantage to delay the processes of the Board. They file their exceptions to the intermediate report for one purpose only, to secure delay.

Mr. Chairman, again I say "justice delayed is justice denied."

Mr. Jenkins continues:

I think it is completely widespread. I think there are people practicing labor law who specialize in doing nothing else except delaying those cases. They make their living that way.

Mr. Chairman, I believe Mr. Jenkins spoke the truth. Here is a man who has had vast experience with this Board and I hope this body will certainly heed his admonition before we take final action on this resolution.

I believe there is pressing need based upon the testimony that has been presented before the subcommittee on which I had the honor to serve as chairman to adopt this rule.

The national labor policy as set forth by the Congress of the United States in the Labor-Management Relations Act of 1947, as amended, certainly would become a hollow mockery when the rights which it seeks to protect cannot be determined for unconscionably long periods of time because of defects in the procedures of the agency created by this Congress to carry out that policy. No party should gain merely by taking advantage of delays inherent in the operations of the Board.

President Kennedy has recognized this need for immediate action by presenting to the Congress Reorganization Plan No. 5. This plan, I believe, is reasonable and is a plan that deals with this problem and it is in accord with the intent of the Congress when it enacted the Reorganization Act of 1949, and gives to the President the duty from time to time to reexamine the organization of the agencies and to determine any necessary changes in order to permit better execution of the laws, more effective management of the agencies, and the expeditious administration of the public business.

I would like to point out that the gentleman from Michigan raised the point that plan No. 2 had been rejected. This is true; plan No. 2 was rejected, and one overpowering, compelling reason why Reorganization Plan No. 2 was rejected was because it included a proviso which would have given the Chairman of the FCC vastly greater powers than Congress intended to give him in the first instance.

I want to call to the attention of those who may not have made up their minds on this question that Reorganization Plan No. 5 carries no such provision, does not contain any provision that would give the Chairman of the Board vaster and greater powers.

There has been a great deal of discussion here today, to use a common expression, about buying a pig in a poke. Previous speakers have said, and I believe the distinguished minority leader emphasized this point, that you are being asked to adopt a plan which would give the Board certain rights to adopt certain rules when nobody has any idea what these rules will consist of. I should like to read for the benefit of the Members a statement included in the report of the other body in which the Board had indicated what it intends to do if this additional power and authority is granted to the Board under plan No. 5.

I do wish I can have the attention of those who raised this point; who have tried to create the impression that under plan No. 5 we would turn this whole thing over to the clerks of the Board and that there would be no right of appeal; that the trial examiners' hearings would be final—and opponents of this plan certainly painted a dismal picture which tried to portray us as ripping the guts out of the right of appeal by American citizens who have dealings with the Board. Let us see what the Board intends to do. I am quoting from page 4 of the other body's report on plan No. 5:

> The Board contemplates limited grounds for review along the following lines:
>
> 1. That a substantial question of law or policy is raised because of (a) actions or (b) a departure from official reported Board precedent or other controlling authority; or (c) that the conclusions or orders are not warranted by the findings of the facts.

These are the rules the Board contemplates establishing. Reading further:

> 2. That the trial examiner's decision on a material factual issue is clearly erroneous; and
>
> 3. That the conduct of the hearings or any regulation made in connection with the proceedings has resulted in prejudicial error; and
>
> 4. That there are compelling reasons for reconsideration of an important Board ruling or policy.

This is now a matter of record and anyone who suggests that we do not know what the National Labor Relations Board would do with this new authority has not studied the facts.

Mr. SMITH of Iowa. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Iowa.

Mr. SMITH of Iowa. In substance, what the Board would do would be to consider those cases that had merit and discourage dilatory proceedings.

Mr. PUCINSKI. Exactly.

Mr. Chairman, I say it is torturing the truth for those who oppose this plan to stand in the well of this House and suggest that under Reorganization Plan No. 5 we would deny to litigants before the Board any review. What we are trying to do here is to deny to those who would use delay to deny the rights of parties appearing before this Board, these dilatory weapons. When, through dilatory tactics built into the present procedure of the Board, either one of the sides may prolong the proceeding for a period of 450, 500, or 600 days, you are denying rights of the other party. That is, the right to a speedy adjudication of this proceeding. We cannot ignore the rights of those parties who suffer because of prolonged delays. I say that under this record which is now spread across the books of Congress, there can be no question but that this reorganization plan is an honest and sincere effort to make the National Labor Relations Board an effective instrument to carry out a fair national policy of American labor-management standards.

Mr. McCORMACK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. The gentleman from Illinois is making a very sound and effective speech. The gentleman from Florida [Mr. FASCELL] made a brilliant presentation as to the reasons why the plan should be approved and why the disapproving resolution should not be adopted.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. SMITH of Iowa. Mr. Chairman, I yield the gentleman 15 additional minutes.

Mr. McCORMACK. Other Members who have spoken have also presented clearly the necessity for adoption of the plan recommended by President Kennedy. We all know of the long delays that have taken place. This plan is aimed at bringing about more efficiency in the National Labor Relations Board in light of the experience that the Board has had and which Members of Congress know that the Board has had. It is beyond my power of comprehension to feel that any rights of the Congress have been invaded. This plan is aimed to bring about greater administrative efficiency and certainly that is something we should seek to bring about.

I hope when the vote is taken tomorrow—and I may say here the minority leader and I have arrived at an agreement which I shall announce that debate will continue for a half hour longer tomorrow, 15 minutes on each side—that the Members will vote to sustain the plan recommended by President Kennedy.

Mr. PUCINSKI. I thank the majority leader [Mr. McCORMACK] for his contribution. Mr. Chairman, statements were made earlier about the quality of the trial examiners. Some Members who have spoken here would have you believe that these trial examiners are totally incompetent, that you are indeed endangering the whole future of this country by entrusting in their hands judgment in these cases.

I would like to read briefly what a very eminent member of the Republican Party, former Chairman of the Board, Mr. Guy Farmer, said about trial examiners:

> The trial examiners are independent, conscientious, and well-trained men with first-hand observation of the witnesses.
>
> Parties will not suffer by giving more finality to the findings of hearing examiners: These hearing examiners (or trial examiners as they are known at the Labor Board) are not faceless bureaucrats. These trial examiners are appointed from an approved roster established by the Civil Service Commission and removable only by the Civil Service Commission (after a due process hearing and only for cause). They are not answerable in any way to the Labor Board for their opinions, except to the extent a Federal district judge is answerable to a Federal court of appeals. I think I know most of the trial examiners and I have seen them function judicially, and although not all are of equal ability I feel they are a fine group of men who are conscientious, independent, judicial, and understand the act quite well. Moreover, I feel that these trial examiners who hear the evidence and observe the witnesses are in a better position to make a decision in the factual dispute cases than are the Board members in Washington who review the cold (and stale) pages of the record.

I should like, if time had permitted, to present to this body today the standards for appointing trial examiners, including the fact every one of these is examined by the FBI, as to background, his qualifications, and standards.

I should like to point out also that under the rules, every trial examiner who is placed in service must first be interviewed by the National Labor Relations Board itself, so that the impression opponents of plan No. 5 try to create that these trial examiners are bureaucrats who do not know what they are doing and therefore these cases cannot be entrusted to them is absolutely without foundation.

I was very happy to hear the gentleman from Michigan [Mr. GRIFFIN] finally admit today that because of the proviso in Reorganization Plan No. 5, which states that "nothing herein contained shall be deemed to supersede the provisions of section 7(a) of the Administrative Procedure Act—60 Stat. 241—as amended, will help assure the manner and rules under which only trial examiners will conduct hearings. This proviso completely demolishes claims made by opponents of plan No. 5 that clerks or janitors could try these cases. The gentleman from Michigan, however, raised the point that by Reorganization Plan No. 5 we might in some strange manner be negating the standards that we have written into the act dealing with R cases in the Landrum-Griffin Act of 1959. I submit for the consideration of this body that this is an erroneous conclusion. I submit that there is nothing in Reorganization Plan No. 5 which would in any way disturb or abrogate the provisions that were enacted in the 1959 act giving the regional directors authority to deal with representation cases.

Mr. FASCELL. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Florida.

Mr. FASCELL. As a matter of fact, is it not so that the plan is explicit in this language when it starts out and says, "in addition to existing authority," making it absolutely clear and stating affirmatively that it does not supersede statutory law?

Mr. PUCINSKI. It is and I thank the gentleman.

The minority leader, the gentleman from Indiana [Mr. HALLECK], raised the point that there is no guarantee in the 1947 Labor Act or the 1959 Labor Act that the bipartisan complexion of this Board shall continue. I agree there is nothing in the act, but I should like to remind the minority leader that it was Mr. Truman who recognized the need for bipartisan membership on this very important body. It was Mr. Truman who selected two Republicans to this Board. If he had intended to ignore the need for bipartisanship in labor-management relations, he could have done otherwise, but it was Mr. Truman who appointed two Republicans and it was Mr. Eisenhower who continued this policy. And, there is nothing in the record to indicate that President Kennedy intends to change the precedent that has been established by Mr. Truman in 1947 after the adoption of this act.

Mr. HALLECK. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Indiana.

Mr. HALLECK. I referred to the statement in the transmittal message to the effect that they wanted to maintain the bipartisanship of the basic statute. The only point I made was that the basic statute does not provide for bipartisanship. I did go ahead recounting the fact that the Board now, as presently constituted, is a bipartisan Board.

Mr. PUCINSKI. I am indeed very happy to hear the minority leader speak of the bipartisanship in this very important field. I think if we could approach many of our problems with a greater degree of bipartisanship, we could find many of the answers that disturb us today.

I should like to read a brief excerpt from a letter written by a former Chairman of the Board, Mr. Boyd Leedom, who had been Chairman of the Board during the Eisenhower administration.

Unfortunately this plan seems to have become an issue in partisan politics. Furthermore, opposition completely out of proportion to the significance of the problem, in my opinion, has developed among employer groups such as the U.S. Chamber of Commerce and the National Association of Manufacturers. As a result of this puzzling opposition, literally reams of testimony have been submitted on the merits and demerits of the plan. It would hardly serve your purpose for me to write an extended treatise analyzing all these contentions. I, therefore, as one sitting next to the problem having full knowledge as to what needs to be done and actually will be done under the plan, give you my personal opinion concerning it.

That it should be not be a partisan political issue seems clear from the fact that the five present members of the Board, three of whom are Eisenhower appointees and two Kennedy appointees, three Democrats and two Republicans, unanimously favor it. It is further my opinion that if employer groups who oppose it understood fully what will be done under the plan, if it becomes effective, their opposition would melt away. This, however, is not true of those employers, or unions either, who use our present procedure for purposes of delay, and who want to avoid changes, possible under plan No. 5, that would eliminate some of the causes of procedural delay.

This was a statement made by the distinguished Chairman of the Board up until recently, Mr. Boyd Leedom. I asked Mr. Boyd Leedom when he appeared before our committee about this great attack that the chamber of commerce is now making against Reorganization Plan No. 5. I asked him whether or not there was any merit to the chamber's position that Reorganization Plan No. 5 should be rejected. This was Mr. Leedom's reply:

Mr. LEEDOM. I fail to see any validity to the objection. So often when proposals are made people see many objections that really turn out to be bugaboos, and in this plan I think there is a complete protection of the rights of everybody.

In the first place, the impression seems to be building up in some quarters that there will not be a review by the Board of the work that the trial examiners do, but actually in every case there will be at least a preliminary review because after an aggrieved party brings his case to the Board and the Board has to look at his showing of claimed error and, if he cannot make a showing, the Board will say, "We are not going to go through the whole record to find something that you yourself cannot find." But even on that fringe of cases where they try to show error and we fail to find it the Board does give a kind of review of the case.

Then in the cases where there is a substantial showing of error, at the desire of just two members out of five we make the complete review so that I think that somehow or other these things get to be either a party line or a chamber of commerce line or a union line without anybody except maybe one fellow who thought of it getting the snowball started and people jumped on because it is the party line.

No truer words could be spoken, Mr. Chairman, and I congratulate Judge Leedom for his candor and honesty. I should also like to read other parts of Judge Leedom's testimony before my committee:

Mr. PUCINSKI. Judge Leedom, I made the statement to the committee today that it is my humble opinion that, if Reorganization Plan No. 5 is not accepted as a minimum, we may very well have complete chaos in this field of labor-management relations when we consider that it is estimated by 1962 that the Board is going to be handling some 23,000 cases through its regional offices. I was going to ask would you, Judge Leedom, if you agree with that analysis?

Mr. LEEDOM. Yes, I would. If the caseload increases as our people are able to forecast the increase and if something is not done, if Reorganization Plan No. 5 does not become effective or if legislation is not passed to entitle the Board to limit its review of the intermediate reports, then I think chaos, as you have indicated, could come upon us in this field.

Mr. PUCINSKI. I made a statement, Judge, to the committee which may or may not be correct. I speculated that a plan along these lines would most probably have been presented to the Congress regardless of who was in the executive at this time. I understand that Mr. Jenkins has presented a very elaborate plan to the Board and the Board itself has been considering for some time suggestions for reorganization within the Reorganization Act.

Am I correct in assuming that the executive branch of Government at your suggestion, assuming you were still the Chairman of the Board today, would most probably have recommended a plan, I do not know if identical to this but certainly along these lines?

Mr. LEEDOM. I think that is right. I cannot be sure what President Eisenhower's statement had in it about the Labor Board as he left office but he gave a message to Congress dealing with a great many things and there was something in there about reorganization of the Labor Board.

If there is not language there to specifically tie this thing we are talking about now in plan 5 to what President Eisenhower said, I am sure that, assuming the Republicans had won the election and I had stayed as Chairman, the Board would have recommended that this be set up in the form of a reorganization plan.

Reading further from Mr. Leedom's testimony, he stated:

I agree. While flattery, I know, will get me no place, I would like to share your comments about Congressman GRIFFIN. I know that on the Republican side he is considered one of the thoughtful, careful men in this area. I do not want to intrude, but I hope that he would see fit to support the reorganization plan from the Republican side because I am so convinced that it will not turn out to be a misused or dangerous thing.

This business reminds me of a father giving his son a .22 rifle with which to shoot rabbits and then the next day saying, "Son, I am going to have to have the gun back because you could use it to shoot your mother."

Of course, the Board, I have said all along ever since I have been there, have been men of capacity and integrity. We have some differences about that. The Board will use its judgment and right at the moment has no thought but to limit its responsibility as to review.

I do not suppose the language is much different than if the people in the White House had drawn it for President Eisenhower.

Mr. HOFFMAN of Michigan. Mr. Chairman, will the gentleman yield?

Mr. PUCINSKI. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. The complaint you voice from the members of the Board is that they all say that they are overworked, is that correct?

Mr. PUCINSKI. That is correct, sir.

Mr. HOFFMAN of Michigan. And what they are asking by this plan is that they be given authority to transfer any of their functions to any employees of the Board; is not that right?

Mr. PUCINSKI. That is not correct.

Mr. HOFFMAN of Michigan. Is not that what the plan says in the very first section?

Mr. PUCINSKI. That is not all they ask for. They ask for that authority subject to published rules. If the gentleman had been on the floor, he would have heard me read——

Mr. HOFFMAN of Michigan. Subject to what?

Mr. PUCINSKI. Published rules. I believe the gentleman and I both read English fairly well. I think it is expressed in the plan that these rules shall be published and approved by the Board.

Mr. HOFFMAN of Michigan. Rules?

Mr. PUCINSKI. Yes, sir.

Mr. HOFFMAN of Michigan. Made by the Board?

Mr. PUCINSKI. Yes, sir.

Mr. HOFFMAN of Michigan. They could make such rules as they wanted, could they not?

Mr. PUCINSKI. That is correct.

Mr. HOFFMAN of Michigan. And they could transfer any function, the writing of opinions, or anything else?

Mr. PUCINSKI. But the reorganization plan further provides on how appeals can be made to that delegation of functions and furthermore, I have already read earlier in my statement what rules the Board expects to adopt for appellate procedures. They are now a part of this record and constitute legislative history and intent.

Mr. HOFFMAN of Michigan. In the discretion of the Board.

Mr. PUCINSKI. An appeal can be had, among other ways, at the discretion of two members of the Board, including the minority members of the Board.

Mr. HOFFMAN of Michigan. If they are overworked and do not have time to look at the record, why would they not continue the present practices?

Mr. PUCINSKI. The gentleman from Michigan should be reminded of one fact; this whole field of labor-management relations has become extremely complicated. I think the basis, the genesis of this plan, is to give these Board members a greater amount of time to study the fundamental issues coming up before this Board. I do not think it serves the best interests of America to have these all-important members of an important agency take up their time and clutter up the record with every single case on a de novo basis. This is exactly what this reorganization plan tries to avoid.

Mr. Chairman, I should like to read to this Committee a letter from a gentleman who distinguished himself as the chief adviser of the late Senator Robert Taft, the father of the Taft-Hartley Act. He is a gentleman who served with the Labor Committee in the other body and in 1953 and had been appointed as a member of the National Labor Relations Board, Mr. Phillip Ray Rodgers. Certainly he is one of the oldest members in point of seniority on the Board and a man who was one of the architects of the Taft-Hartley Act. Mr. Rodgers stated in a letter to our committee:

The argument is advanced in some quarters that while the changes encompassed in plan No. 5 are both meritorious and desirable, they should be effected through normal legislative procedures, and not through the use of a reorganization plan. This argument, of course, has much appeal. But the fact remains that Congress has repeatedly passed upon and granted the power to submit such reorganization plans to the President. Thus this plan is not a device to thwart the will of Congress; it is, rather, a device designed to implement the will of Congress. Moreover, while legislative action in certain fields may be relatively easy to obtain, anyone who has observed the history of our labor laws over the years knows it is a virtual impossibility to open them up to amendment on any limited basis. Inevitably, demands are made to change various other sections of the statute. Hearings become long and involved. Agreement on language becomes difficult to obtain. And the original objective becomes lost in long and oftentimes fruitless deliberation.

Mr. Rodgers urged the adoption of plan No. 5.

The new Chairman of the Board, Mr. McCulloch, in language I shall insert in the CONGRESSIONAL RECORD at length, urged strongly the adoption of plan No. 5 and set out specifically to show how all the fears that have been raised are without foundation. Mr. McCulloch, in testimony before my committee stated:

Some have said Congress in 1959 only went so far as to delegate representation case decisionmaking to the regional directors; therefore, the plan going further, permitting delegation in unfair labor practice cases to trial examiners, is contrary to the action of Congress in 1959.

It is not the Board's feeling that the action is subject to this interpretation. We have searched the legislative history, what Congress did in 1959. We do not find the rejection of the substance of plan No. 5 in any way, we don't find the consideration of it. There were other kinds of delegation considered by Congress in 1959. They were largely further delegations to the General Counsel, mostly of administrative functions. But in the absence of a rejection by Congress of this proposal, we don't believe that Members of Congress, looking back upon that history, would construe their 1959 action as having been a rejection of what is now proposed in plan 5. It is for these reasons, therefore, that we believe plan 5 leaves the 1959 action of Congress quite undisturbed.

On the contrary, in terms of intent, it follows out the intent of Congress to permit delegation, to permit the Board more fully to carry out its functions.

Another criticism that has been made of the plan is that it permits the Board to set the standards for discretionary review. But here again the plan follows the precedent that was set in 1959, when Congress permitted us to delegate the decisionmaking to the regional directors. They said the Board may review petitions for review. It left this wholly in the hands of the Board. And the Board, after careful consultations with members of the bar association, with representatives of management and of labor, set up those grounds for review in representation cases. We have not had any complaints that we failed to exercise the discretion that Congress gave us wisely and responsibly in carrying out this delegation authority. It is also true that if Congress sees fit to approve the plan, as it approved its own delegation in 1959, it gives a little more flexibility in the setting up of those standards, and this would permit the Board to change and to perfect those standards if it found on the basis of experience and operation that the standards were deficient in some way.

May I carry the argument one step further?

It is true that the nature of the proceedings, the two proceedings, is not exactly alike. It is also true, however, that the representation cases are often very bitterly contested, that they are very important, and that they may establish the framework and the basis for collective bargaining which is one of the major and important objectives of the act. But I want to carry the argument beyond that. If Congressman GRIFFIN will not accept 1959 as being a precedent for Congress now adopting or approving a plan 5, which sets up discretionary review for unfair labor practices, I want just to look at plan 5 as it relates to those cases by itself, and to see what right it is that is lost, what right of review is lost under plan 5.

We sought to argue that and analyze it quite carefully. In this case, of course, the delegation of decisionmaking would be to the trial examiners, as I said before, selected in conformity with the Administrative Procedure Act, granted that they are not Presidential appointees, but neither were the regional directors to whom Congress permitted us to delegate in 1959.

Here, with reference to review, the Board must be, under the plan, and the language is that the Board shall, as contrasted with the 1959 act that said the Board may, shall set up review procedures described as discretionary. These would probably be very like the standards which the Board has set up under 1959 law.

Here is our analysis of the review rights of the litigants under such a delegation: First, by filing a petition and appropriate exceptions to the trial examiners' reports, the parties would have an automatic right to a preliminary review by the Board itself, to determine if some good reason is shown for a full review in the nature of a neutral on the printed record. Thus the parties would all, and I emphasize all, all who want to file the exceptions, have the right to demonstrate to the Board on the record that there were prejudicial errors of fact or law or procedure by the trial examiner. I think this is lost sight of by some, who say that review is discretionary, and in a lot of cases it is not going to be granted. They are using review in two senses: They are using review in the sense of the preliminary review to see if the case should be gone into fully, and they are using it in terms of the full de novo review.

I am suggesting that every part of the parties exceptions will be entitled to, and the Board will be required to give it, the preliminary review to see if they get the full review.

Second, if the Board feels that the parties have shown that they have such error, or if only two of the Board members felt that the case should be reviewed, the parties would have the right then to a full de novo review of all the issues that are properly raised in the case.

In the third place, what then is the right that is lost? The right lost precisely is under the 1959 law, the right to an automatic, full, de novo review of the entire case by the Board where the parties have not or do not show any substantial errors of fact or of law or of procedure.

You recall, though, as I emphasized a moment ago, that they have all had the right to demonstrate the merit of their case to the Board in their petition for review and in their exceptions. Recall, too, that in every case the parties retain their rights to appeal to the courts, to backstop the Board, to guard against any arbitrary refusal by the Board.

As Congress, then, seeks to balance the various rights of parties, and the needs of the Board under the law, is this right to a full de novo review by the Board in cases where no meritorious ground for this is shown, so important and entitled to such priority that plan 5 should be defeated? Or is not this right, where no showing of error is made, much more likely to be a right which, in effect, only delays enforcement of the party's own case and encumbers the Board so that it muzzles and delays the processing of other more deserving cases. Thus, the retention of this right, so-called right, would merely serve to deprive others of their just rights to a more expeditious protection under the law. We come to the conclusion on analysis of what happens on review or would happen under the plan, that one balance, and considering the various interests at stake, because there are other people who have cases before the Board, who have been waiting a long time, and they too have rights—we believe that plan 5 would improve the Board's vindication of the fundamental

rights under the law and not deprive parties of any reasonable review rights; we think this is particularly so when at least 3, 4, 5 recent typical years, 24 percent of the trial examiners' reports became final Board orders because no exceptions were filed and another 52 percent were affirmed in full.

Finally, I should like to call this body's attention to an editorial which appeared today in the New York Times. Certainly I do not think any Member of this House is going to contend that the New York Times is particularly on the side of labor or on the side of unions. They have been outspoken in their criticism of the conduct of the unions. I think it is logical and reasonable to assume that if anything, the New York Times would tend to express the opinions of the business community of America. The New York Times in its editorial today stated:

STREAMLINING THE NLRB

The approval given by a Senate committee to President Kennedy's plan for reorganizing the National Labor Relations Board is a contribution to harmonious industrial relations. The plan for speedier handling of unfair labor practice cases will automatically go into effect at midnight Sunday if neither House of Congress vetoes it.

Congress has been in a mood to override some of the President's proposals for reorganizing administrative agencies. This fate must not befall his plan to speed the handling of unfair labor practice cases by the National Labor Relations Board.

It now takes more than 400 days from the time a charge is filed until the Board's mandatory reexamination of all the facts is completed and its ruling issued. The delay often engenders precisely the kind of turmoil the Board was set up to eliminate.

The Board's members, Republican as well as Democratic, are unanimous in believing that timely justice would gain if it could let the decisions of its trial examiners become final where no real basis for a challenge was found. Each case would get a routine review, and a full reconsideration would be ordered whenever two of the Board's five members considered it desirable.

This would guard against capriciousness by the examiners without forcing purposeless delays in clear-cut cases. The lengthening backlog of unfair labor practice charges awaiting board action is a menace to equitable labor-management relations and industrial peace.

I hope this House will not veto Reorganization Plan No. 5.

In boiling this whole plan down we find one thing. I think I can summarize this in three or four short sentences.

The fundamental issue before this House today is whether or not you are going to try to compel five members of the National Labor Relations Board to review de novo every single case that comes before that Board at any level or whether you are going to say to this Board, "We want you to confine yourself to the substantial matters of labor-management law. We want you to spend your time on the more important issues coming before the labor-management field and, therefore, we delegate to you certain authority to delegate these hearings to trial examiners with rules of appeal and of review."

Finally, I should like to call your attention to the fact that every aggrieved party has the right of final appeal to the appellate court. Even if the Board should deny appeal from a trial examiner's ruling under authority vested in this proposed plan, either party could still have its final day in court. The only thing you are going to do by adopting plan No. 5 is help these people get into the courts for final review on an average of 458 days sooner.

Mr. COHELAN. Mr. Chairman, I ask unanimous consent to extend my remarks at this point in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COHELAN. Mr. Chairman, I rise in support of Reorganization Plan No. 5, and in opposition to House Resolution 328 which would disapprove this plan.

Mr. Speaker, the purpose of this reorganization plan is sound. It is to convert full, de novo review of contested trial examiners' intermediate reports in unfair labor practice cases from an automatic to a discretionary basis, thus cutting down on dalays, reducing case backlogs, and in general improving the quality of the National Labor Relations Board's work.

The rationale for this proposal is also sound. During the last 4 years, the productive output of the Board has increased from 1,900 proceedings to over 3,200 in the current year. Notwithstanding this commendatory increase, the backlog has continued to grow, with a median timelag at present of 400 days from the time an unfair labor practice charge is filed until the Board makes its decision. The median time delay in representation cases is 85 days—both times obviously being much too long.

Mr. Chairman, the opponents of this plan have charged that it would grant the Board Chairman undue powers and deprive litigants of review rights. Neither of these charges is valid. This plan would not increase the powers of the Board Chairman. It does not include section 2 which was a part of other plans to accomplish such a purpose.

Secondly, no substantial right would be lost under this plan for it adopts a review procedure similar to that authorized by Congress in 1959 for representation cases. Furthermore, the screening out of unreasonable review demands will allow the Board to give greater attention to meritorious cases, and to major matters of policy and planning.

Mr. Chairman, all members of the NLRB—Republicans and Democrats alike—have endorsed this reorganization plan as essential, and I urge the House to grant its approval.

Mr. SCHWENGEL. Mr. Chairman, I rise to oppose the resolution to disapprove Reorganization Plan No. 5. I believe this plan is necessary to secure some very fundamental rights to both management and labor.

Currently, the National Labor Relations Board requires a median of 400 days to decide an unfair labor practice case. Fifty percent of the cases actually take more time than that—more than a year and a month. This, it seems to me, runs contrary to our traditional sense of justice.

We in America believe that a man has a right to speedy and fair justice. The present situation is not consistent with that ideal and need. When a workingman or management must wait more than a year to get its case decided, then there is something very wrong. To resolve this problem we must take action.

Reorganization Plan No. 5 provides the necessary reform. It will free the National Labor Relations Board members from the tangle of multitudinous cases that are with little merit, so that they can spend their time on the cases which involve great and important issues. Clearly that is what Congress intended them to do when this original law was passed.

Mr. Chairman, all of us on this side of the aisle and the other side have a high regard and great respect for Mr. Philip Ray Rogers. He was the assistant to the late Senator Robert A. Taft on the Senate Labor and Public Welfare Committee. President Eisenhower appointed Mr. Rogers to the NLRB and when his first term on the Board expired, Mr. Eisenhower reappointed him. The Senate approved Mr. Rogers twice.

Mr. Rogers has written:

If Reorganization Plan No. 5 is not permitted to become operative, I am fearful that years may elapse before these vital and necessary improvements can be achieved through normal legislative procedures. If Reorganization Plan No. 5 is permitted to become operative, I believe that most of the problems now plaguing this Agency can be rapidly overcome, with substantial injury to no one, and with substantial benefit to labor, to management, and to the country as a whole. The Board's constantly mounting backlog and ever-lengthening timelag permit of no other conclusion.

In answer to the attacks that this reorganization plan would take rights of appeal away from either labor or management, Mr. Rogers writes that in the procedure of the plan—

there is no apparent or real denial of due process to anyone. Nor is there any curtailment of any legitimate procedural or substantive right.

We have not only the word of this expert on labor law. We have the unanimous opinion of all the members of the National Labor Relations Board. The three members appointed by President Eisenhower and the two members appointed by President Kennedy—men so different in outlook—agree that Reorganization Plan No. 5 is necessary. Judge Boyd Leedom, the Chairman of the NLRB under President Eisenhower, and Frank McCulloch, the present Chairman, both testified in favor of this plan during committee hearings.

The unanimous views of these experts, together with our fundamental belief in the right of citizens to speedy and fair justice, must lead us to support this reorganization plan for the NLRB.

Mr. Chairman, there may be valid reasons to oppose the adoption of plan No. 5 but no one can deny that a problem exists that needs resolving and since there is no other answers to the problem I shall oppose the resolution to disapprove Reorganization Plan No. 5.

Mr. FASCELL. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. DAVIS of Tennessee, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the resolution (H. Res. 328) disapproving Reorganization Plan No. 5 transmitted to Congress by the President on May 24, 1961, had come to no resolution thereon.

LEGISLATIVE PROGRAM

The SPEAKER. The Chair recognizes the gentleman from Massachusetts [Mr. MCCORMACK].

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent that in connection with the further consideration of the pending resolution, House Resolution 328, that debate thereon continue for not more than 30 minutes, one-half of the time to be controlled by the gentleman from Florida [Mr. FASCELL] and one-half of the time to be controlled by the gentleman from Michigan [Mr. HOFFMAN].

Mr. HALLECK. Mr. Speaker, reserving the right to object, and I shall not object because we have worked out this arrangement which I think suits the convenience of everybody, as I understand the program tomorrow will be to take up the conference report on the National Aeronautics and Space Administration authorization first. And, then, the pending matter, House Resolution 328, would follow immediately after that.

Mr. MCCORMACK. Yes; the conference report on NASA, the space agency, is a matter of extreme importance in connection with certain appropriations that may be put into a bill in the other body. That will be the first order of business tomorrow. I understand there has been unanimous agreement on the conference report. Then, the pending matter, House Resolution 328, will be the next order of business.

Mr. Speaker, while I am on my feet I want to call to the attention of the Members that on some day next week, either Tuesday or Wednesday, and I shall announce the particular day when the program for next week is announced, the gentleman from New Jersey [Mr. GALLAGHER] will ask unanimous consent to take up a resolution in relation to West Berlin, a resolution expressing the support of the Congress in the determination of the United States to take all necessary steps to defend its legal rights against unilateral Soviet abrogation. It will be on either Tuesday or Wednesday, but it will be announced when I announce the program on Thursday. I want to give this advance notice to the Members of the Congress since the leadership on both sides and the Committee on Foreign Affairs considered this to be a matter of great importance.

Furthermore, I believe there will probably be a rollcall on it.

Mr. HALLECK. Of course, we have Reorganization Plan No. 7 and Reorganization Plan No. 6. As I understand it, there is no substantial opposition to plan No. 6. Of course, there may be individual Members who are opposed to it, but there will be a controversy over plan No. 7. Is it the intention of the gentleman from Massachusetts to dispose of plan No. 7 tomorrow after the pending matter has been disposed of?

Mr. MCCORMACK. Of course, the situation, as my friend knows, in relation to Reorganization Plans No. 7 and No. 6 is something I have no control over. The resolutions were tabled in the committee and it is up to some Member to call them up. So while I programed them for today, I realize the situation that developed, and I might say I anticipated it, if any Member is going to call up Reorganization Plan No. 7 and Reorganization Plan No. 6 tomorrow, I wish they would let me know. If not, then they will not be called up. The 60 days on those plans expire, as I remember, on August 12 or thereabouts. But, if any Member is going to call them up tomorrow, I wish they would advise me and the leadership and let the House know.

Mr. HALLECK. I think that is only fair.

Mr. MCCORMACK. If any Member who is now present on the floor is going to call them up, I wish the Member would let us know and take the rest of the membership of the House into their confidence. If nobody says they are going to call them up, I would assume they mean that they will not call them up.

Mr. HALLECK. Of course, there may be Members who may not be here who may want to call them up.

Mr. MCCORMACK. I am trying to be helpful to the membership of the House.

Mr. HALLECK. Of course, and it would be my personal view that we might as well dispose of plan No. 7 and plan No. 6, if there is real opposition to them on tomorrow, if time permits.

Mr. MCCORMACK. If they are not called up tomorrow, and I am not in a position to advise the House whether they will be called up, but I do hope that any Member who intends to call them up at a later date will extend me the courtesy of letting me know their views and intention so that we can see if we can arrive at a date.

Mr. HALLECK. I think that is perfectly fair. As far as we are concerned over here, it is a matter of notification to the Members who might want to be present to participate in the debate and to vote. I agree with the majority leader that it is in the best interest of all parties that if a matter of this sort is to come up, the leadership be alerted to that fact. Of course, both of those reorganization plans were put on the whip notice for Wednesday, Thursday, and Friday of this week. I would express the hope that if we are to take them up tomorrow we might dispose of them tomorrow so we need not be in session on Friday.

Mr. MCCORMACK. I am hopeful there will not be a session on Friday. Is the gentleman from Michigan here?

Mr. HOFFMAN of Michigan. Yes, as usual, I am around.

Mr. MCCORMACK. We want you to be around for a long while, may I say to my friend.

Mr. HOFFMAN of Michigan. Yes; and I hope to be around.

Mr. MCCORMACK. I hope so, too.

Mr. HOFFMAN of Michigan. So I may serve under the gentleman.

Mr. MCCORMACK. I do not know about under me, with me.

Mr. HOFFMAN of Michigan. Yes. Reorganization Plans 6 and 7 do not become effective until August 11. And as the gentleman says he would like to be notified by any Member who intends to call them up. Certainly I can speak for the gentleman from Michigan, but I have no way of forming an opinion about what the gentleman from Iowa may intend to do.

Mr. MCCORMACK. Do you intend to call either one of them?

Mr. HOFFMAN of Michigan. I will certainly call them up sometime before they expire, someday that will be convenient to the gentleman.

Mr. MCCORMACK. In other words, you will let me know so we can put the Members of the House on notice.

Mr. HOFFMAN of Michigan. Do you prefer to have them called up other than on some Friday?

Mr. MCCORMACK. That is one of those $64,000 questions which has no pertinency to my state of mind.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. GROSS. Would notification tomorrow morning be ample time?

Mr. MCCORMACK. For consideration tomorrow afternoon?

Mr. GROSS. Tomorrow morning. The gentleman is asking as to whether some Member would call them up tomorrow afternoon. Would tomorrow morning be enough time?

Mr. MCCORMACK. Thirty seconds would be enough time for me. I am just thinking of our other colleagues. If the gentleman intends to call them up tomorrow he should let us know.

Mr. GROSS. Would it be possible to dispose of them tomorrow?

Mr. MCCORMACK. Yes; I would like to have them disposed of tomorrow.

Mr. GROSS. Then I will accommodate the gentleman.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts that further debate on House Resolution 328 be limited to half an hour?

There was no objection.

PROPOSED HOUSE CONCURRENT RESOLUTION

Mr. MCCORMACK. Mr. Speaker, I ask unanimous consent that the House concurrent resolution referred to by myself, introduced by the gentleman from New Jersey [Mr. GALLAGHER], be inserted at this point in the RECORD for the information of the Members.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The resolution referred to follows:

CONCURRENT RESOLUTION SUPPORTING THE PRESIDENT'S REPLY TO THE SOVIET AIDE MEMOIRE ON GERMANY AND BERLIN

Resolved by the House of Representatives (the Senate concurring), That the continued exercise of United States, British and

French rights in Berlin, in order to maintain the freedom of over two million people in West Berlin, constitutes a fundamental policy and moral obligation; that a Soviet invasion of these basic rights would be intolerable, and that the President's forthright reply to the Soviet aide memoire on Germany and Berlin expresses accurately the determination of the United States to take all necessary steps to defend its legal rights against unilateral Soviet abrogation.

GENERAL LEAVE TO EXTEND

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that all Members who desire to do so may extend their remarks in the body of the RECORD on House Resolution 328, and may also have 5 legislative days within which to extend their remarks on that resolution.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

ATTACKS ON HOUSE COMMITTEE ON UN-AMERICAN ACTIVITIES

Mr. SCHERER. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SCHERER. Mr. Speaker, last year 81 Communist Parties from different parts of the world met in Moscow. It was decided that the time had come for the Communist apparatus to wage a resolute struggle against the anti-Communist agencies and organizations throughout the world. In a short space of a few months, it is frightening to find out how many writers and publications have suddenly directed a long series of vicious attacks against the anti-Communists, particularly in the United States. Here are just a few examples:

Dr. Schwarz' Christian anti-Communist crusade, which has been in existence for more than 5 years, has been ignored up to this time. Shortly after this Moscow declaration, we find a series of attacks against the Schwarz crusade in the New York Times.

The national defense strategy seminars, which have been held under the auspices of the Department of Defense in many parts of the country and have featured outstanding authorities on communism, have been smeared in the New Republic.

We find a series of articles in the New York Times and by leftwing columnists on how anti-Communist generals and admirals are creating difficulties for the Pentagon. There is a renewed sniping at the Federal Bureau of Investigation and its great Director. The House Committee on Un-American Activities, of course, has been over the years constantly under the guns of the Communists and the leftwing crowd in this country. But since the Moscow meeting the tempo of that attack has been stepped up.

In the past few weeks there has been published a new book, entitled "The Un-Americans." This book is a vicious and libelous attack upon the Committee on Un-American Activities. The very title of the book parrots the description which the Communist apparatus has given to the Committee on Un-American Activities for many years.

On Monday of this week the chairman of our committee, the gentleman from Pennsylvania [Mr. WALTER], discussed at length on the floor of this House—see CONGRESSIONAL RECORD, pages 12721–12723—some of the things that prompted the publication of this vile and vicious diatribe. He documented the Communist activities of its author and one of his contributors.

Mr. Speaker, let us see how effectively unscrupulous leftwing writers can use the contents of a book written by a known Communist. Gore Vidal, as a guest, wrote the column of John Crosby in the New York Herald Tribune last week. I know that Mr. John Denson, the editor of that fine paper, would not tolerate from one of his reporters or a member of his editorial staff such a distortion of facts.

At the outset, let me point out that Gore Vidal was the Democratic candidate for Congress from the 29th District of New York in the last election. Fortunately, Mr. Speaker, the discerning voters of that district spared your party and this House the onus of Mr. Vidal's membership in the Congress of the United States. A few weeks ago in Life magazine Vidal did a subtle and clever smear job upon the distinguished Senator from Arizona. In the Herald Tribune of last week he did a vicious and not so subtle a smear job on the Committee on Un-American Activities. He uses the book of Frank Donner, "The Un-Americans" as the basis for his attack. To build up the book he refers to the author, Frank Donner, as a brilliant constitutional lawyer. He conceals the fact that Donner was an underground Communist while employed by the Government of the United States as a top official in the National Labor Relations Board. Donner's whole record of service to the Communist cause has been set out in a publication of the Committee on Un-American Activities, entitled "Communist Legal Subversion." Vidal, in plugging Donner's book, does not tell the readers of the New York Herald Tribune that Donner was a member of a Communist cell within the National Labor Relations Board; that its members met regularly to determine National Labor Relations Board policy on the light of Communist Party directives. Vidal does not tell these things so that the readers can better evaluate Donner's book and Vidal's use of the charges made therein.

Vidal further concealed the fact that Bertram Edises assisted Donner in the preparation of the book. Edises' whole record of service to the Communist causes are set forth on page 36 of the committee's report, entitled "Communist Legal Subversion." As shown therein Edises was identified as a member of the political affairs committee of the Communist Party. Edises, who is a lawyer, was assigned by the Communist Party to work in the Civil Rights Congress in the East Bay area. At one time he was elected as an alternate member of the State committee of the Communist Political Association. Yet Vidal is one of those who sanctimoniously in his attacks on the Committee on Un-American Activities and in his recent campaign for Congress charges others with concealment and distortion.

Mr. Speaker, I think the New York Herald Tribune and its fine editor, Mr. John Denson, will resent Vidal using its columns not only to distort by concealment, but also to willfully and affirmatively distort history by claiming as he did in that same article that "neither in the past nor in the present has the House Un-American Activities Committee ever found 'un-American' any Fascist or racist organization." The New York Herald Tribune itself gave prominent coverage to the committee's report on the German-American Bund. As the New York Herald Tribune reflected, this report consisted largely of original documents taken from the personal effects of G. Wilhelm Kunze, national fuehrer of the bund, which finally exposed the bund as a dangerous Nazi front organized along military lines. If Vidal had been interested in the truth he could have easily checked the record and found that the committee's report on the bund was used by the Government in the trial and conviction of Kunze and his bund associates.

If Gore Vidal had been as interested in the truth as he apparently was in rehabilitating the Communist Party and its members he would have reviewed the committee report on the Axis front movement based on hearings covering 298 organizations and several thousand individual leaders who were connected with Axis activities. He would have found that the report dealt with, first, organizations and individuals known to have been financed in whole or in part from Nazi Germany; second, organizations owing complete allegiance to the Emperor of Japan; third, organizations carrying on Mussolini's Fascist propaganda among the Italians and Italian-Americans in this country; fourth organizations composed primarily of German nationals and Americans of German descent who were distinctly pro-Nazi in their activities and propaganda; and fifth, native Fascist groups having both antiracial and pro-Nazi characteristics.

When he endorses the book of Frank Donner, Gore Vidal is endorsing the work of a man who cooperated with the Fascist elements in the United States during the Hitler-Stalin pact period, a man whose fellow Communists were calling the President of the United States a warmonger because he was preparing this Nation for the defeat of fascism. By reviewing the committee's publications Vidal could have become familiar with the committee finding that:

Examination of testimony and evidence received can only leave the committee with the conclusion that the German-American Bund must be classified with the Communist Party as an agent of a foreign government.

So, Mr. Speaker, as I have said we can be grateful that the voters of the 29th District of New York were discerning enough not to send to the Congress of the United States an arrogant man who has

joined with the Communists in attempting to discredit the members of the Committee on Un-American Activities by charging them with being un-American, antiforeign born, anticolored, anti-Semitic, antiracial and social equality and pro-Fascist and pro-Ku Klux Klan.

SAVING THE NATION'S CAPITAL BY ORDERLY RELOCATION

Mr. REUSS. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

Mr. REUSS. Mr. Speaker, I have today introduced for appropriate reference H.R. 8248, a bill to amend the Federal Property and Administrative Services Act of 1949 to provide an orderly program of decentralization and relocation of facilities and personnel of executive agencies.

Earlier this week, I described what will happen to Washington if unchecked, unplanned expansion in the area's population takes place. On the basis of recent growth, experts now predict that Washington will balloon in size to 5 million by the year 2000, 2½ times its present size.

We already see signs of what can happen to our Capital if nature is allowed to take its course.

Our water supply is about to run dry, and the Corps of Engineers say we must build a high dam across the Potomac above Washington which will flood and destroy 35 miles of the valley upstream.

Our sanitary systems have broken down, and the Potomac in Washington is clogged with silt and sewage.

Our traffic threatens to strangle us, and proposed solutions threaten to destroy what is left to us of parks and open spaces.

THE SIX PROPOSITIONS

My argument, in brief, is as follows:

First. Only by holding down the population growth of Metropolitan Washington closer to 3 million than to 5 million by the year 2000 can we have efficient government, natural beauty, and good living. If nothing is done, the Washington of the future can become just another featureless, sprawling, overcrowded city, denuded of green and open spaces, without charm or beauty. By limiting growth, we can solve our problems of fresh water supply, sewage disposal, traffic, and metropolitan planning without destroying all the scenic recreational, and historical qualities of the area.

Second. The key factor in Washington's future growth is government, and since the Government can make its own decisions on the location of its agencies, we are in the unique position of being able to control population growth of the area. Federal employment, civilian and military, is directly responsible for a third of the jobs in the area and, indirectly, for most of the remainder.

Third. By relocating the nonpolicy-making divisions of the Federal Government to numerous locations around the country, these functions may be carried out more economically and more efficiently. Overcentralization of more and more functions in the Washington area will result in increasing cost and decreasing efficiency. Location nearer the job should be advantageous to such agencies as the Fish and Wildlife Service of the Department of the Interior, the Forest Service, or the Soil Conservation Service. We have an example of high efficiency and location away from Washington in the TVA, which has only 5 employees in Washington and 14,848 in the Tennessee Valley. During World War II, 40 agencies with 42,000 employees were moved out of Washington and operated without apparent loss of efficiency in 23 different cities throughout the country. Today, modern methods of communication should make decentralization much easier than ever before in our history.

Fourth. Relocating relatively high-income Federal employees to other cities would bring economic benefits to these cities in the form of purchasing power not subject to cyclical fluctuations, in demand for services and related support activities for the newcomers, and in added tax revenues. Moreover, the infusion of several hundred people of higher-than-average income and education is just what the doctor ordered for cities struggling to support a symphony, a repertory theater, an art gallery, or any of the other cultural aspirations of the modern American city.

Fifth. The Federal Government now lacks a policy on relocation and decentralization. Various Washington area planning agencies are concerned with what goes on in Washington, but city or regional planning is not enough. This is particularly true if the planning must try to take account of the needs of a population too large for decent accommodation in the area. No one in the executive branch nor in Congress now has the responsibility to see to it that Federal agencies are located with proper regard for the future of the Nation's Capital.

Sixth. We must, therefore, act now to see that a plan for decentralization and relocation is prepared and carried out.

The text of H.R. 8248 follows:

H.R. 8248

A bill to amend the Federal Property and Administrative Services Act of 1949 to provide an orderly program of decentralization and relocation of facilities and personnel of executive agencies.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Property and Administrative Services Act of 1949 is amended by adding at the end thereof the following new title:

"TITLE VIII—RELOCATION AND DECENTRALIZATION

"Declaration of policy

"SEC. 801. The Congress hereby finds and declares that the unnecessary concentration of Federal facilities and personnel in the Washington metropolitan area impairs the efficiency of functions which must be carried on at the National Capital; that the vast expansion of population in the Washington metropolitan area now projected on the basis of a continuation of past policies will so overburden the remaining available capacity of the Potomac River for water supply and sewage disposal as to create severe economic dislocations and grave public health problems and will seriously impair or totally destroy the recreational and esthetic values of the river; that such concentration will create intolerable congestion of transportation facilities, or alternatively will require such enormous expansion of such facilities as to render it impossible to enhance or even preserve historical and esthetic values in the National Capital; and that a firm, Government-wide policy of relocation and decentralization is required in order to avoid further concentration and to remedy the ill effects of past failure to consider the interests of the country as a whole and the Government as a whole in the location of Federal facilities.

"Office of Relocation and Decentralization Planning

"SEC. 802. (a) There is hereby established in the Executive Office of the President the Office of Relocation and Decentralization Planning, which shall be headed by a Director of Relocation and Decentralization Planning (hereinafter referred to as the Director), who shall be appointed by the President by and with the advice and consent of the Senate and shall receive compensation at the rate provided by law for the heads of the executive departments.

"(b) The Administrator of General Services shall furnish the Director with such staff, administrative, and technical services and assistance as the Director may require. All officers and agencies in the executive branch of the Government shall promptly furnish the Director with such reports, estimates, and opinions as he may request.

"(c) In conformity with the provisions of this title, it shall be the function of the Director, on behalf of the President, to direct, control, and coordinate the planning of the physical relocation of Federal facilities now located in the Washington metropolitan area which should be moved to other areas and to assure that no additional facilities will be established in the Washington metropolitan area if their functions can be carried on with equal or greater efficiency elsewhere. In performing such function the Director shall—

"(1) establish criteria for determining what governmental functions should continue to be carried on within the Washington metropolitan area.

"(2) review the functions and operations of all executive and independent agencies, departments, and major subdivisions thereof, in the light of criteria established pursuant to paragraph (1).

"(3) establish criteria for the selection of alternative locations.

"(4) in conformity with the criteria established pursuant to paragraphs (1) and (3), prepare a plan for the physical relocation of Federal facilities located in the Washington metropolitan area on the date of enactment of this title, and which should be transferred to other locations in the United States, and establish standards to be followed in the location of new agencies or functions.

"(5) submit a report to the Congress not later than one year after the date of enactment of this title setting forth the standards and plans developed pursuant to paragraphs (1) through (4) of this subsection.

"(d) In any determination pursuant to subsection (c) of this section, the Director shall take into consideration the following factors, and such additional considerations as may in his judgment be relevant:

"(1) The availability of new developments in communications technology.

"(2) The possibility of having small liaison offices in Washington with the greater part of the personnel elsewhere.

"(3) The increase in its effectiveness which an agency may achieve by being closer to the areas, industries, or people directly concerned.

"(4) The availability at other locations of adequate office space, housing for employees, school facilities, and other community facilities.

"(5) The needs of other cities or areas for additional employment opportunities."

H.R. 8248 would add a new title VIII to the Federal Property and Administrative Services Act of 1949.

Section 801 declares that a firm Government-wide policy of relocation and decentralization is required in order to counteract unnecessary concentration of Federal facilities and personnel in the Washington metropolitan area.

Section 802 establishes in the Office of the President a Director of Relocation and Decentralization Planning, appointed by the President by and with the advice and consent of the Senate. The Administrator of General Services is to furnish the Director with such staff as he requires. The Director is to coordinate the planning of both present and future governmental facilities in the Washington metropolitan area. He is directed to establish criteria for determining what functions should best be carried out in the Washington area, and for selecting alternative locations. Within 1 year of the date of enactment, the Director is to report to Congress a specific plan for both existing and future agencies. In preparing his plans, he is to take into account all relevant factors, including new methods of communication, the possibility of liaison offices in Washington, greater efficiency through decentralization, ability of the alternative location to take care of Government personnel, and the needs of such locations for additional employment opportunities.

Mr. Speaker, the principle of planned relocation and decentralization in order to prevent overpopulating the Washington area deserves to be fully debated. I hope that hearings can be held soon on H.R. 8248 in order that all implications of the proposal may be fully explored.

BERLIN CRISES

Mr. WILSON of Indiana. Mr. Speaker. I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WILSON of Indiana. Mr. Speaker, along with other Members of the Congress, I have watched with a deep and abiding interest as the latest of the Berlin crises has unfolded. To me, it is a familiar sight. I have seen four Presidents deal with Russian leaders on the subject of Berlin. The city has been the source of much saber rattling in the past—it will probably be the source of much of the same sort of activity in the future.

Based on my past observations, based on research which I have done, and based on the best authorities available, I think it proper that the President receive the benefit of the feelings of people in my district, feelings which stem from a deep-seated love of country.

I believe that most of my constituents would advise the President: "Do not fall victim to Nikita Khrushchev's latest smokescreen of threats and bluster. Khrushchev is again attempting to control a portion of our economy and is, at the same time, setting the stage for concessions on Red China with his latest threats on Berlin."

The President should draw the line. He should tell the American people where he wishes them to stand and what he wishes them to do. They are prepared to make a decision and stand fast on it. They do not want war, but they also have reached the limit of their willingness to pacify and appease Russia and other Communist nations.

I feel the President should adopt a positive, well-defined stand, take it to the people, and stick to their decision without later abandonment or weakening of policy. This is the type of leadership the American people are seeking.

I believe the tenor of the American people is receptive to a strong stand in regard to Khrushchev. They are resolute and determined. All they need is the proper guidance from the top. I feel the President can provide that, if he reflects the wishes of the people and backs up his words.

I have studied the development of the present Russian situation and feel that Khrushchev may merely be using the Berlin problem as a diversionary tactic, hoping to gain concessions for easing up in Berlin.

What he hopes to gain is multifold. The tactics he is using are the same sleight-of-hand spelled out by Communist performances in the past.

Khrushchev, in my opinion, is bent on, first, obtaining United Nations' recognition for Red China, since the idea of Nationalist China is anathema to Communist thinking; second, forcing America to continue laying out huge sums of money for foreign aid, thereby further undermining the economy of this Nation and forcing it to continue helping support most of the free world; third, setting up a climate of urgency whereby growing unrest in satellite countries will be stilled; fourth, appealing to the pacifist, soft Communist policy that permeates portions of this administration.

My research and investigation of the latest Berlin crisis has convinced me that the Russian leader subscribes to the Marxian theory which holds that any corruption of the American economy is a victory for communism and collectivist thinking.

I feel that Khrushchev and the leaders of Red China are not really as far apart as reports indicate, and that this is part of the "smokescreen" to convince us we can help drive a wedge between Red China and Russia by making a few concessions to the Chinese, one of which is U.N. membership. The bankruptcy of this type of thinking will be corroborated if Red Chinese appeasement becomes part of our national policy as presently advocated by Adlai Stevenson, among others.

If we back down on Berlin, we will convince satellite nations in Europe that there is still no hope for them. Should we maintain a hard and firm policy, we will give them encouragement and shift the burden of action onto Khrushchev. I believe that Khrushchev is increasingly alarmed at East German defections to West Germany and at growing satellite unrest.

The pattern is clear to those of us who have been warning about the Russians and advocating adoption of a hard policy for many years. Khrushchev is in trouble on the home front in many areas. There are food shortages; the "soft goods" program has bogged down. He is in trouble of sorts with his allies and he sees a definite chance that we will, in this session of Congress, arrest the lifeblood draining mechanism that has characterized foreign aid.

Khrushchev's reaction follows a pattern of former years. To cover up his own troubles, he is again talking tough and making threats, hoping to make another Russian "deal." I, for one, hope the President will tell Russia that the United States plans to stand firm insofar as is compatible with its allies in Berlin, and oppose with a veto or any mechanism possible, the admission of Red China to the U.N. I would also hope that he turns his back on the "soft policy toward communism" advisers around him, such as Adlai Stevenson, Chester Bowles, Walt Rostow, Arthur Schlesinger and the like seem to have.

CIVIL DEFENSE

Mr. WICKERSHAM. Mr. Speaker, I ask unanimous consent to address the house for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. WICKERSHAM. Mr. Speaker, we are justifiably concerned in this country about the state of our program for defense of civilians. Some of the most astute minds in the country and in Congress are concentrated upon a practical, acceptable program. The President will advance his program this week.

Are we slipping to the dangerous lethargy of waiting until we are hit before we hit back—or even get ready?

Only minutes now are allowed us if an enemy decides to strike. There will be no time for preparation after the enemy pushes the button. We can detect the treachery almost instantly. We can retaliate to such an extent that our attack would probably be more destructive to the enemy than their attack on us.

But what would our ability of detection bring us? Of what value would retaliation be if we provide no protection for our people at home?

Fifteen minutes warning is all we can expect at the most. And scientists tell us that this amount of time will be reduced in years to come. We have to be ready in the event an enemy pushes the button.

We cannot wait until the day the radios and televisions blare out into the wavelengths that missiles have been detected, and are heading this way. Picture 180 million people, all who have been grilled in the horrors and tragedy of atomic warfare, when they hear the first warning. Imagine the panic and pandemonium that will occur if there is no place for these people to go for protection.

During that 15 minutes we have between detection and the time the missiles find their targets, it will be too late to search out protective shelter, it will be too late to gather a 14-day supply of food and water, it will be too late even to think then.

I believe that now is the time to take positive action.

There should be an emergency food kit of some kind in each home in the United States for every man, woman, and child. There should be an additional kit for every child in school.

Several Government agencies have already secured survival kits for their employees, as have many private firms. To name a few: John Hancock Mutual Insurance Co., International Business Machines Corp., United States Steel Corp., Esso Standard Oil Co., General Electric Corp., and many others. The Navy, Coast Guard, Army Engineers, have for sometime stockpiled survival food kits.

I am reliably informed that there are several manufacturers in our country making available emergency-type rations, some are even canning water, all packaged so that it will be completely protected from contamination by atomic or germ warfare. These containers last for 50 years without deterioration. Some of these companies include: H. & M. Packing Corp. of California, Lord Mott Corp. of Baltimore, Marine Sales Co. of Boston and MacDonald-Bernier Co. of Boston. Undoubtedly, there are others.

It is true we are making a little headway toward providing protection for the civilian population of the country. But what I fear is that we are not progressing fast enough. If we were forced to resort to seeking protection tomorrow, could we save 50 percent—yes, 25 percent—of our people in an attacked area? I shudder when I think of the answer to that question.

What I want to propose for our consideration is a plan that we make available to the schools a grant-in-aid whereby with matching funds estimated to be as low as $3.90 per child, each child can be supplied a survival kit for the entire grammar and high school period.

This, of course, is not enough. Shelter must be provided, too. But it would have a twofold effect, as I see it, in addition to offering part of the much-needed protection.

First, apathetic parents may be moved into concern and action about the dangers existing from such a pushbutton-type war that seems perilously close to us at times. And that a possible enemy may not be lulled into a false feeling that we, in this country, must be hit first before we put up our defenses.

We cannot permit procrastination in this matter. We cannot permit apathy to bring unnecessary disaster upon us.

SMALL BUSINESS PETITIONS FOR ACTION ON LEGISLATION—APPEALS TO PRESIDENT AND CONGRESS

Mr. PATMAN. Mr. Speaker, I ask unanimous consent to extend my remarks at this point in the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. PATMAN. Mr. Speaker, yesterday, representatives of several hundred thousand persons, and representatives of many thousands of small business firms conferred with the President of the United States at the White House and petitioned for early, favorable consideration of legislation designed to help small business. Specifically, it was asked that early, favorable consideration be given to legislative proposals which would empower the Federal Trade Commission to issue temporary cease and desist orders pending completion of litigation when required to protect the public interest. Also, it was urged that early, favorable consideration be given to legislative proposals which would curb predatory pricing practices destructive of small business.

Having arranged the meeting with the President at the White House at their request, I introduced these national leaders of small business organizations as follows:

D. C. Daniel, National Independent Dairies Association.

Henry Bison, Jr., National Association of Retail Grocers of the United States.

Harold Smith, Jr., United States Wholesale Grocers' Association, Inc.

Ray Foley, National Candy Wholesalers Association, Inc.

Dick Curry, National Preservers Association.

Philip Jehle, National Association of Retail Druggists.

Cash B. Hawley, National Congress of Petroleum Retailers, Inc.

Paul L. Badger, Candy Brokers Association of America.

Blaine L. Liljenquist, Western States Meat Packers Association.

Dwight D. Townsend, Cooperative League of U.S.A.

W. W. Marsh, National Tire Dealers and Retreaders Association, Inc.

Richard C. Shipman, National Farmers Union.

Other leaders of small business organizations, who were unable to attend this meeting, will subscribe to the purposes of this group action. If their statements to that effect are submitted to me, I shall be glad to place them in the CONGRESSIONAL RECORD to receive proper recognition.

In introducing these parties to the President, I expressed to him my view that these representatives of small business firms have a just cause and that the problems they wished to discuss call for serious consideration. I pointed out that this Nation is experiencing an economic crisis. Small towns, including the family-sized farms and small businesses, represent the backbone of our country; they are being crushed. This situation is graphically illustrated by the sharp population drop in small towns and rural areas.

Local business is being threatened with destruction in many lines of activity carried on in the traditionally private enterprise way by local people. Local ownership is being replaced by absentee owned businesses. The great American dream to own and operate independent businesses is evaporating. We are becoming more and more a Nation of employees of the giant corporations remotely controlled.

Opportunities for people past 35 or 40 years of age to obtain jobs are less favorable and, in some areas, absolutely impossible. New small business opportunities for local people are no longer available as in the past. Decisions affecting local business are made in distant cities. Net profits made by absentee-owned business are taken out of the local communities, seriously hampering civic development. At the same time, local banks are not the depositories of locally produced profits which would provide reserves for expansion of many times the amount in credit which could be provided to local citizens for developing new businesses. This is causing community life and community spirit to deteriorate.

As people are forced to go to the large cities, they place a tremendous burden on community services, including hospitalization and education, with the consequence that greater and greater public assistance is required.

Looking into the foreseeable future, it is not in the interest of this Nation for the small towns, small businesses—including small banks—and small farmers to be destroyed. The big cities cannot carry the burdens and responsibilities that will be imposed by such concentrated populations. Many of them will be forced into a bankrupt position. The young men and young women of the future are entitled to better opportunities.

America's greatest bulwark against communism has always been the strength of its small businesses and small towns. The Communists recognize this. They are aware that they cannot get even a small foothold in our country so long as so many of our people operate and own businesses in the private enterprise way, and own their homes and farms. Small business is one of the greatest bastions of strength against communism.

Our New Frontier does not lie in the development of bigger and bigger cities and the concentration of more wealth into the hands of fewer and fewer businesses.

Our New Frontier must contemplate privately owned businesses, locally owned business, and moneymaking opportunities for people locally, ownership of farms by small farmers and the protection of the small towns and rural life of America.

The great insight of the President into these serious economic problems is widely recognized by all Americans and his continuing efforts and cooperation in bettering the situation of small business are deeply appreciated.

The representatives of small business whom I introduced to the President had chosen Mr. D. C. Daniel, executive vice president of the National Independent Dairies Association as their spokesman to present their petitions to the President. In doing that, Mr. Daniel made the following statement:

Mr. President, on behalf of my small-business colleagues here, I wish to present to you for your consideration a resolution, which relates to proposed legislation for empowering the Federal Trade Commission to issue temporary cease-and-desist orders pending litigation. We assure you that such legislation is much desired by small business.

I also wish to present to you for your consideration a resolution which refers to proposed legislation regarding predatory pricing practices. I assure you that this proposed legislation is greatly desired by thousands of small business firms.

Whereas it is the declared policy of the Congress of the United States that the Government should aid, counsel, assist, and protect, insofar as is possible, the interests of small business concerns in order to preserve free competitive enterprise;

Whereas enforcement of the Federal Trade Commission Act, the Clayton Act and the Robinson-Patman Act is essential for adequate protection and preservation of small business;

Whereas unnecessary delays in enforcement of the Federal Trade Commission Act, the Clayton Act and the Robinson-Patman Act make them ineffective in preventing monopolistic and unfair trade practices destructive of small business;

Whereas the report to the President of the United States dated December 15, 1960, on ways and means for improving the effectiveness of the Federal regulatory agencies and commissions, stated that inordinate delays characterize the disposition of adjudicatory proceedings before the Federal Trade Commission: Now, therefore, be it

Resolved, That we, representing thousands of small businesses, respectfully petition the President of the United States and the Congress for early favorable consideration of legislation empowering the Federal Trade Commission to issue temporary cease and desist orders, pending completion of litigation, when required to protect the public interest.

American Association of Small Business, Cooperative League of United States of America, Midland Cooperative Dairy Association, National Association of Retail Druggists, National Association of Retail Grocers of the United States, National Association of Tobacco Distributors, National Association of Wholesalers, National Candy Wholesalers Association, Inc., National Congress of Petroleum Retailers, Inc., National Independent Dairies Association, National Preservers Association, National Tire Dealers & Retreaders Association, Inc., U.S. Wholesale Grocers' Association.

Whereas the growth and survival of small business firms are essential to the maintenance of our free and competitive enterprise system, since small business is the backbone of that system;

Whereas the effectuation of the declared public policy of the Congress to assist and protect small business in order to preserve our free and competitive enterprise system is in recognition of the value of small and independent business firms to not only the preservation of our free and competitive enterprise system, but, also, to the preservation of community life in our small towns throughout the country;

Whereas the continued existence of community life as we have known it and experienced it in the small towns throughout America is threatened because of the present rate of the destruction of locally owned independent small business firms;

Whereas the destruction of locally owned, independent small business firms is, in large part, the result of predatory pricing practices of some large, nationwide corporations which are taking over the businesses of the small and independent locally owned firms which are being destroyed;

Whereas the large, nationwide corporations which are taking over the locally owned, independent small businesses being destroyed, are controlled by and under the direction of absentee owners who have offices and reside in only a few of our large metropolitan centers;

Whereas this absentee ownership, control and direction of business enterprises in the small towns throughout America denies to those communities the profit benefits and profit incentives essential to the maintenance of our free and competitive enterprise system and our capitalistic society;

Whereas there is but a short step from an economy under the control and direction of a few absentee owners who direct operations carried on by employed clerks to the ultimate totalitarian controlled economy and society by a totalitarian, socialistic, or communistic government;

Whereas legislative proposals have been made to curb predatory pricing practices destructive of locally owned independent small business firms; and

Whereas there is recognized need for immediate, favorable consideration of legislation to curb the predatory pricing practices now destroying locally owned, independent small business concerns, and our community life in small towns: Now, therefore, be it

Resolved, That we, representing thousands of small business firms, respectfully petition the President of the United States and the Congress for early, favorable consideration of legislation to curb predatory pricing practices of large corporations which destroy locally owned, small and independent business firms.

American Association of Small Business, Cooperative League of U.S.A., Midland Cooperative Dairy Association, National Association of Retail Druggists, National Association of Tobacco Distributors, National Congress of Petroleum Retailers, Inc., National Independent Dairies Association, U.S. Wholesale Grocers' Association, Inc., Western States Meat Packers Association.

The President expressed much interest in the statements and the petitions which were presented to him. He demonstrated that he has not only an interest in, but also knowledge of the problems affecting our economy in general and small business in particular. He assured me that these petitions for early, favorable consideration of measures to help small business would be given his attention.

SPAIN'S CIVIL WAR

Mr. BOLAND. Mr. Speaker, I ask unanimous consent to extend my remarks in the body of the RECORD and to include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. BOLAND. Mr. Speaker, during the first half of 1936 Spain was governed by a group known as the Popular Front which included a variety of leftist-Socialist, Communist, and anarchist elements. It was then feared, both in and out of Spain, that this Government was aiming to make Spain a nest of Moscow-inspired communism. Until mid-July of that year the Government maintained itself in power against all its irreconcilable foes, but then the armed mutiny broke out in Spanish Morocco under the leadership of Gen. Francisco Franco, and Franco vowed to rid Spain of its spiritual and mortal enemies—Communists and extreme leftists.

This week is the 25th anniversary of this outbreak which marked the beginning of Spain's civil war, and which to all intents and purposes, was the bitterest ideological war of the century in Europe. As it turned out, this war, which practically ruined Spain industrially and financially, causing misery and suffering to millions there, was more than a civil war in Spain. It seems that world communism had chosen Spain as its proving ground in the West, in this heart of conservatism and Catholicism. This war for men's souls was carried on for nearly 3 years, and the decisive defeat of Communist-minded elements was attained only on March 28, 1939. In retrospect, we rejoice in the defeat of godless and destructive forces by the Spanish nationalists led by Generalissimo Franco.

FEDERAL AID TO EDUCATION

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. FRELINGHUYSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, the Rules Committee action yesterday, tabling the three major aid-to-education bills referred to it by the House Education and Labor Committee, raises many interesting questions. Whatever we may feel about the wisdom of this action, it clearly demonstrates that last winter's packing of the Rules Committee has not prevented that committee from exercising its powers to block consideration of legislation approved by a standing committee of the House.

Are these aid-to-education bills dead? Can or should any, or all, of these measures be revived? If the legislative prospect for these particular bills is poor, what should now be done to insure enactment of needed measures in the educational field?

Speaking as a member of the Education and Labor Committee, one thing seems plain, Mr. Speaker. Our committee should move immediately to report out a bill to insure continuation of Public Laws 815 and 874. There is widespread support for such action, and the time to act is now. These programs provide needed aid to school districts throughout the country which have been

adversely affected by the influx of children of parents working for the Federal Government, or where Federal holdings of land adversely affect the local tax base.

Mr. Speaker, at his press conference this morning, President Kennedy was reported to have refused to answer whether he would veto a bill to provide continued aid to these federally impacted areas. According to one press account, he threatened indirectly to veto separate legislation. Presumably he has good reasons for refusing to take a position on legislation not yet even approved in committee. Nonetheless it seems inconceivable that the President could seriously consider a veto of such a bill. If he should take such a step, I am confident Congress would override this veto.

The President reportedly feels this specialized form of aid should be part of a general aid to education bill, and it was thus reported by our committee. Now, however, there seems little likelihood that this legislative package will be considered. I must confess I have never understood why two programs, of such different character and impact, should be considered together. Congress thus far has regularly considered the program of aid to federally impacted areas separately, and on its merits. This obviously is the wise course to pursue again this year. As an essential first step, prompt action by our committee would be in order.

LONG-RANGE FOREIGN AID

Mr. DEVINE. Mr. Speaker, I ask unanimous consent that the gentleman from New Jersey [Mr. FRELINGHUYSEN] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. FRELINGHUYSEN. Mr. Speaker, because of its broad interest I should like to include in the RECORD the second in a series of 10 articles by former Vice President Richard M. Nixon. In the two articles thus far published, Mr. Nixon has shown his customary grasp of the complex and important issues facing our Nation, and I should like to commend him for his real contribution to the public discussion of these matters:

NOW UP TO CONGRESS—APPROVAL OF LONG-RANGE FOREIGN AID AN "ABSOLUTE MUST," NIXON DECLARES

(By Richard M. Nixon)

(Second article in a series of 10 to be published in coming months.)

Congressional approval of a long-range foreign aid program is an absolute must if we are to be successful in our fight against world Communist aggression. But because so many Americans do not understand the complex character of the Communist threat, some Congressmen and Senators who have the courage to vote for foreign aid may be risking their political lives in doing so.

The case their opponents will make against foreign aid on the hustings is as devastating as it is demagogic.

Why spend taxpayers' dollars building a dam in Pakistan when we can't afford to build one we want in Colorado?

Why send billions of dollars abroad to help undeserving and unappreciative foreigners when we have people right here at home who need help?

Some will criticize foreign aid on the ground that it has been used by dictators to keep themselves in power. Others will criticize it because it has been used to finance the spread of socialism in foreign countries.

And the examples of corruption, inefficiency, and even the complete failure in Laos will be cited to prove that we should scrap the whole program and use our money to build up our strength at home.

What are the answers to these charges?

As President Ayub of Pakistan said, however discouraged and tired we may be of foreign aid, we simply have no choice in the matter.

Mr. Khrushchev has laid it on the line. He says over and over that communism will conquer the world without war. One of the weapons he is using to accomplish this objective is foreign aid, Soviet style; that is, with each aid program goes a rope with which he will eventually strangle the recipient country into becoming a subservient satellite of his empire.

In my travels to the newly developing countries of Asia, Africa, and Latin America, I became completely convinced of these stark truths:

The people of these countries above everything else want progress which will move them upward from the desperate poverty which has been their lot for centuries. They would prefer to have this progress and keep their independence and freedom. But if their choice is progress at the cost of freedom or no progress at all, they will give up their freedom to get progress.

America's great humanitarian tradition will not allow us to pass on the other side of the road and leave them with this terrible alternative. And our own self-interest requires that we aid the cause of progress with freedom abroad so that our children and grandchildren can continue to enjoy progress with freedom at home.

The irony of the whole debate is that some of foreign aid's most violent and articulate opponents are outspoken and uncompromising anti-Communists. Military appropriations of over $40 billion per year are approved virtually unanimously by the Congress on the ground that they are necessary to defend freedom from communism. What we must recognize is that the approximately one-tenth of the amount that we annually spend for foreign aid is just as necessary if we are to meet and defeat the Communist threat.

OVERSTATEMENTS NOTED

The case for foreign aid, however, is not helped by some of its proponents who, in overstating it, show the same naive lack of understanding of the multidimensional threat of communism that the opponents of aid display.

The claim is made, for example, that economic progress is the complete answer to communism. "Give every Asian another bowl of rice and we will have no communism," they proclaim.

Adlai Stevenson fell into this error when he was quoted as saying that we can only face up to Castro once we have solved South America's economic problems. If we are taken in by this kind of naive thinking, Castro not only is here to stay but others like him will take over the hemisphere.

The Alliance for Progress program for Latin America has become an essential part of our foreign policy. But we must not delude ourselves or our neighbors to the south by exaggerating its potentials. Their and our most immediate problem, one that neither we nor they can ignore except at great peril, is—what can be done about Castro now? Not just 10 to 50 years from now, when Latin America's economic problems may be further along on the road to solution.

Cuba is not going to be freed from Communist tyranny by more economic aid to Latin America. It will be freed by Cubans who want freedom enough to fight for it and we must support them in that struggle.

In brief, economic aid offers no more of a panacea for our foreign problems than does military strength.

"ARSENAL" USED BY REDS

The Communist arsenal includes military, economic, political, subversive, diplomatic and propaganda weapons. They have used and will continue to use each of these weapons in the area and in the amount they deem necessary to win victory. We need the same weapons and we must learn to use ours even more effectively than they.

The major issue being debated in the Congress at this time is how to finance our foreign aid program. Any objective observer would have to agree that our present method of authorizing and appropriating the funds for this program on a year-to-year basis is inadequate, inefficient and outmoded.

Long-range programs are necessary to insure more efficient and adequate planning, to obtain better qualified personnel to administer the programs, and to enable our negotiators to compete on more equal terms with the Communists, who have no inhibitions whatever when it comes to promising aid over a multiyear period.

The administration has proposed to deal with this problem through the device of so-called back-door financing under which the Congress, in effect, would be bypassed by allowing the ICA and other foreign aid institutions to borrow the money they need directly from the Treasury.

I strongly believe there is a need for a change in the present program so that we can have long-range financing and planning. But congressional review and oversight of foreign aid programs, when properly exercised, can contribute to efficiency by keeping the aid administrators on their toes and by ferreting out corrupt and inefficient practices.

JUDD'S SUGGESTIONS

I would not presume, from a position outside of government, to suggest how this dilemma can be resolved. But the administration must not brush off the suggestions of longtime aid supporters like WALTER JUDD, who has proposed long-term authorizations coupled with annual appropriations for long-term projects.

If the administration cannot find a way to modify its own financing proposals to provide for adequate congressional supervision and control of the aid programs, it should get behind something similar to the Judd proposal as a major step toward long-range planning for foreign aid.

If the administration keeps its head in the sand and ignores the strong congressional sentiment on this subject, it runs the risk of losing the whole program.

Whatever formula is eventually decided upon, Congress must preserve its right to exercise its traditional watchdog functions. Back-door financing or multiyear appropriations should not be used to provide a blank check for those administering foreign aid. The record of the aid administrators does not justify such trust. Once more capable and better qualified administrators are brought into the program, Congress at some future time may feel more justified in granting greater authority for longer-range commitments and operations than at present.

GENERAL CONSIDERATIONS

Looking to the future, I hope that the administrators of the aid program will keep in mind, more than they have in the past, these general considerations:

First, it is essential that other nations, who have a stake in freedom, bear their fair share of the load of foreign aid. There has been a great deal of talk along these lines, but relatively little action. This does not mean that some other nations are not doing their fair share. It does mean that we must develop a more equitable basis for sharing the costs of this program among all capital-surplus nations.

Second, we have always been justifiably proud of the fact that our aid has been granted to other nations without strings. We should not change that policy now. But we are entitled to insist that what aid we provide be used wisely and not wasted on programs that we know will not in the long run help either the recipients or ourselves. For example, each country has a right to make a choice as to whether it desires to develop its mineral resources through private enterprise or through a government monopoly. Our aid should not be used as a device to force on a country an economic policy that it does not want.

But we should not finance projects we know are economically unsound. If a nation wants to experiment by adopting what we believe is a wasteful nationalized program, they have a right to do so, but they should pay the bill for so experimenting. Wherever possible, our aid should be used to finance and encourage private rather than government enterprise—not because we are trying to impose our system on others, but because we know our system works.

I think it is also time that the United States makes it crystal clear to neutrals as well as allies that gratuitously kicking Uncle Sam in the teeth is not a sure-fire way to get more aid. Friendship for the United States must be rewarded, and not, in effect, penalized by taking our friends for granted when we distribute our aid funds.

This brings us back to the need for a multiyear, long-range approach to foreign aid. We must recognize that foreign aid is not a temporary program, that it will be necessary as long as the Communist threat exists, perhaps longer. If we continue to treat the program as a stepchild of diplomacy, it will never really be effective. We must begin to view foreign aid as a respected arm of our Nation's power.

THE LATE HERBERT CLAIBORNE PELL

Mr. ST. GERMAIN. Mr. Speaker, I ask unanimous consent to address the House for 1 minute, and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. ST. GERMAIN. Mr. Speaker, it is with great regret that I announce to the House the death of Herbert Claiborne Pell, former Member of Congress from the State of New York, and father of my friend and colleague in the Senate, Hon. CLAIBORNE PELL of Rhode Island. Mr. Pell was stricken on July 17 in Munich, Germany, while walking with his grandson, Herbert C. Pell III, a son of Senator PELL, who was vacationing in Europe with his grandfather.

From 1918 to 1920 Mr. Pell served in the House representing the 17th Congressional District of New York. He was Democratic State chairman of New York from 1921 to 1926, temporary chairman of the Democratic National Convention in 1924, and Democratic national campaign vice chairman for the 1936 campaign.

Mr. Pell's ancestors included four Democratic Members of the Senate and House. One was Alexander James Dallas—1759–1817—a cofounder of the original Democratic Party. His grand uncle, Duncan Pell, was Lieutenant Governor of Rhode Island in 1865.

The late President Franklin D. Roosevelt appointed Mr. Pell U.S. Minister to Portugal in 1937 and he served in this position until 1941. From 1941 to 1942 he was Minister to Hungary and served as U.S. representative of the War Crimes Commission from 1943 to 1945. Mr. Pell received many honors and decorations including: Trustee, Legion of Honor of France; Grand Cross, Order of Christ, Portugal; Commander, Crown of Belgium; Order of White Lion, Czechoslovakia; and Grand Officer, Order Couronne, De Chene, Luxembourg.

During his student days, Mr. Pell attended Pomfret School in Connecticut, Harvard University, and Columbia University. An outstanding scholar, he lectured at numerous colleges and universities. He was also a noted bibliophile who specialized in French literature. In recognition of this interest, he was recently appointed honorary consultant in French bibliography to the Library of Congress.

Mr. Pell's public career was one of dedication and accomplishment. During his long public service he spared neither time nor energy in the best interests of his country. To his wife, his son, Senator PELL, and the other members of his family, I wish to extend my deepest sympathy.

EXTENSION OF PUBLIC LAWS 874 AND 815

Mr. HAGAN of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman from New Mexico [Mr. MONTOYA] may extend his remarks at this point in the RECORD and include txtraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MONTOYA. Mr. Speaker, I have today introduced two bills providing for the extension of Public Laws 874 and 815. As you know, these two Federal laws authorize financial assistance to local educational agencies in federally affected areas for current operating expenses and for construction. My bills would extend these laws through 1963.

In view of the House Rules Committee's tabling of H.R. 7300, which would have extended Public Laws 874 and 815, I believe it is now necessary to consider the extension of these laws separately. The action by the Rules Committee could very well pose serious financial problems for a great number of federally impacted areas throughout the country.

A large number of school districts in my own State of New Mexico will face drastic shortages in their current school budgets if Public Laws 874 and 815 are not revived under separate legislation.

New Mexico is greatly dependent on the moneys which it receives from these two programs.

Under Public Law 815, relating to the construction of school facilities in areas affected by Federal activities, New Mexico is entitled to receive $629,089 for fiscal year 1961. During the past 10 years, New Mexico school districts have received $35,040,189 under this law.

Under Public Law 874, providing financial assistance for local educational agencies in areas affected by Federal activities, New Mexico is entitled to receive $4,636,280 during fiscal 1961. The 10-year total for the State under this law amounts to $21,694,445.

It is most imperative that both of these programs be maintained and neither be curtailed in any way by upsetting educational opportunities in federally impacted areas in New Mexico. The elimination of school aid in our federally impacted areas under Public Laws 815 and 874 in New Mexico would strike a crippling blow to the entire State's economy. As I have testified in the past, New Mexico within the last 10 years has enjoyed a population increase of 39 percent. Out of a total population increase of 269,000 from 1950 to 1960, nine counties have increased 261,000 as a result of defense contracts and military personnel.

Following is a breakdown of the nine counties involved:

County	Population		School enrollment		Percent of increase
	1949	1960	1949	1960	
San Juan	17,300	53,306	2,728	12,397	191.0
Otero	14,100	36,868	3,082	8,988	148.0
Bernalillo	138,000	260,318	32,216	64,764	80.0
Sandoval	12,500	14,201	2,270	2,494	74.0
Donna Anna	37,300	59,948	9,787	14,445	56.0
Chavez	38,600	57,649	8,250	14,551	42.0
Curry	21,900	32,691	5,761	6,390	40.0
McKinley	26,000	37,209	3,360	10,703	35.5
Valencia	21,200	39,085	6,154	9,222	14.0

A shortage of bonding capacity in these nine counties and the lack of sufficient funds for new construction and daily operation of the school systems in these counties have reached a critical point. The New Mexico State Legislature at its last session in March of 1961 was forced to enact drastic measures in an effort to continue educational opportunities at a minimum level. These measures included an increase in the personal income tax of 100 percent; an increase in cigarette tax of 3 cents per package; a 25 percent increase in grazing fees on State-owned land and several other drastic measures were enacted to meet the school needs.

Government activity in New Mexico during this 10-year period from 1950 to 1960 has assumed greater and greater economic significance in the nine counties involved. In New Mexico, the leading influence in the growth of the economy since 1949 has been the increase in Government employment created primarily by defense contracts. Since 1949, Federal Government employment, including military personnel, has increased by more than 30,000 persons.

The impact upon New Mexico's economy of this gain in Federal employment has been far reaching. Expansion of Federal programs has necessitated a tremendous classroom construction program, and forced many school districts to reach a maximum bonded capacity.

These funds are not only imperative, but many of New Mexico's schoolchildren will be deprived of the education they so richly deserve if such funds are not maintained.

The following are two tables which show the estimated fiscal year 1961 entitlements by individual school districts. These adequately reflect the great dependency of New Mexico on the continuation of Public Laws 874 and 815.

TABLE A.—*Public Law 874 entitlements, State of New Mexico*

Project No.	Applicant	Estimated, fiscal year 1961
1	Alamogordo Municipal Board of Education	$484,669
4	Roswell Municipal School District	194,835
5	Albuquerque Municipal School District	1,465,819
6	Dexter Municipal School District No. 8	7,078
8	Belen Consolidated School District No. 2	20,145
9	Mount View School District No. 7, Roswell	77,224
10	Sante Fe County School District No. 1, Pojoaque	46,265
202	Santa Fe Municipal Board of Education	49,546
203	Espanola Municipal School District No. 45	47,164
204	Cloudcroft School District No. 11	14,309
401	Tularosa Municipal School District No. 4	92,832
402	Farmington Municipal School District No. 3	89,392
403	Clovis Municipal School District No. 1	152,905
404	Santa Fe County School District No. 18	17,967
501	Aztec Public School District No. 2	6,298
602	Las Cruces School District No. 2	396,827
603	Kirtland Independent School District No. 22	264,304
704	Chimayo Public School District No. 4	7,272
705	Dixon Public School District No. 1	2,632
706	Velarde Public School District No. 2	1,146
707	Alcalde Public School District No. 33	3,099
708	Cordova Public School District No. 6	1,294
709	El Rito Public School District No. 24	349
710	Hernandez Public School District No. 23	6,520
711	San Juan Pueblo Public School District No. 89	13,698
712	Dulce Public School District No. 21	46,015
713	Carrizozo School District No. 7	4,900
902	Truchas Public School District No. 5	1,618
903	Taos Municipal School District No. 1	11,898
904	Grants Municipal School District No. 3	74,831
905	Gadsden Independent School District No. 16, Anthony	$20,236
906	Hatch Valley Municipal School District No. 11	13,067
907	Penasco Independent School District No. 4	9,352
1001	Jemez Springs Village School District No. 31	34,279
1002	Ruidoso Municipal School District	12,522
1003	Socorro Consolidated Schools	20,962
1004	Los Lunas Municipal School District No. 1	44,918
1005	Gallup-McKinley County School District No. 1	551,292
1006	Bloomfield Municipal School District No. 6	84,912
1008	Bernalillo Municipal School District No. 1	147,730
1009	Cuba Rural Independent School District No. 20	22,155
1012	Truth or Consequences Municipal Schools	7,631
1013	East Grand Plains School District No. 12	2,272
1014	Portales Municipal School District No. 1	13,826
1015	Magdalena Municipal School District No. 12	23,587
1101	Cobre Consolidated School District No. 2	11,796
1102	Melrose Municipal School District No. 12	2,359
1103	Cebolla Public School District No. 35	974
1105	Berrendo School District, Roswell	2,935
1106	Moriarty Municipal School District No. 8	6,624
	Total	4,636,280

TABLE B.—*Reservation of funds under Public Law 815 for construction of school facilities during fiscal year 1961, State of New Mexico*

Applicant	Amount
Roswell Municipal School District No. 1, Roswell	$258,825.00
Pojoaque School District No. 1, Santa Fe	40,494.00
Mountain View School District No. 7, Roswell	39,300.00
Grants Municipal School District No. 3, Grants	192,984.00
Municipal School District No. 1, Bernalillo	51,860.50
School District No. 1, Gallup (increase)	45,626.00
Total	629,089.50

HANFORD PLUTONIUM REACTOR

Mr. HAGAN of Georgia. Mr. Speaker, I ask unanimous consent that the gentlewoman from Oregon [Mrs. GREEN] may extend her remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mrs. GREEN of Oregon. Mr. Speaker, I was deeply distressed at the note in the House on July 13, by which the House rejected the Joint Atomic Energy Committee's recommendation that the Hanford plutonium reactor be made a dual-purpose facility. The administration, the Atomic Energy Commission, the Bonneville Power Administration, and the committee all have pointed to the indefensible waste involved in allowing the fantastic quantities of heat produced by the reactor to go unused. The argument of the coal interests reminded me of the attempts by buggy-whip manufacturers to prevent the use of the automobile three generations ago, in order to save their own industry. We must certainly try to cure the problems created by technological unemployment. But we cannot do so by attempting to freeze our technology.

The Pacific Northwest Public Power Bulletin recently ran an excellent article quoting some of the arguments advanced for the construction of this dual-purpose facility:

MANY SPEAK OUT FOR ADDITION OF HANFORD POWER FACILITIES

Substantial support for the addition of power generating facilities to the new production reactor at Hanford appeared during the hearings before the Joint Committee on Atomic Energy, in middle May in Washington, D.C.

BPA Administrator Charles F. Luce painted a bright new economic outlook for the Pacific Northwest in his supporting testimony. He declared: "It would be wasteful and extravagant to use this steam from the reactor merely to warm up the Columbia River, when, at a relatively low cost, it can be put to use to generate needed electric energy."

SEABORG REPORTS

Dr. Glenn Seaborg, Chairman of the Atomic Energy Commission, told the Joint Committee that the installation of power generating facilities with a capacity of 700,000 to 800,000 kilowatts "is economically feasible and would result in substantial benefits." This conclusion, he emphasized, was based upon numerous studies made over the past several years.

In speaking for the legislation, Luce stressed the following points:

1. The proposed atomic powerplant will add 550,000 kilowatts of prime power to BPA's load carrying capacity, starting in 1964.

2. This would enable BPA to offer for immediate sale 400,000 kilowatts of firm power for large-scale industrial development, and make it possible to add $7 million annually to Bonneville revenues.

3. It would enable new industries with capital investment of $150 million to be established to expand the economic growth of the region and the Nation.

But public power supporters are not alone in their backing of this project. A recent editorial in the Portland Oregonian analyzed the arguments advanced against the power facility with devastating effect. The editorial, printed in part below states the situation clearly and without pulling any punches:

The dirt-cheap proposal to add around 700,000 kilowatts to the Northwest power pool was not a party issue. It had been urged by the Eisenhower administration and it was urged by the Kennedy administration. The feasibility was assured by engineering consultants who had no ax to grind. Where else in the Northwest, which faces a power shortage in the latter 1960's, could that amount of power be obtained at so low a cost? Not in hydro, certainly.

The private utility and coal lobbies which fought the dual-purpose reactor found attentive ears among Congressmen who fear—or say they fear—that the Northwest will grab their industries. It was all right for the South to capture industries from the industrial East with the lure of tax rebates

and low labor costs. But the Northwest must not take advantage of its resources. Beyond that, they did not take the trouble to find out that industries in the Northwest are new industries, locating where there are natural regional advantages.

The argument against admitting another agency to the Federal power field was meaningless. The Atomic Energy Commission has overall supervision at Hanford, but General Electric Co. would have built and operated the power reactor, and the Federal Bonneville Power Administration would have marketed the excess not needed to get the Hanford project off the backs of Northwest consumers. And private utilities, now buying a major portion of Federal power in the Columbia Basin, would have got the lion's share of the Hanford production.

It will be particularly damaging to the Northwest and to the Nation's defense strength if the Hanford power reactor, capable of producing as much as a major Columbia dam, has been killed at this time. Its energy could be put on the line in about 3 years, to fill the gap before John Day Dam comes into production in 1968.

Both the Eisenhower and Kennedy administrations had pinned their hopes of avoiding a Northwest shortage and stimulating the economy of the Northwest on two prospects: Hanford, and the treaty with Canada. But the treaty has run into a political battle between the province of British Columbia and the Federal Government at Ottawa. It has not been ratified, and it may not be. The United States cannot even start on Libby Dam on the border. There go up to 2 million kilowatts for the Northwest in the next decade. Now, if the Hanford project is in the ash can, will the House of Representatives give the Northwest hydro projects to make up the deficit?

The House vote was to continue to waste the heat of the plutonium reactor into the Columbia River, rather than use it for electricity at a repayable cost lower than hydro. The project was sacrificed on the altar of obstructionism and selfish regionalism. The Republican policy committee which led the attack was politically befuddled. It will be too late to reconsider during the congressional and presidential elections from 1964 to 1968—if the Northwest economy is harmed by a shortage of power and there are brownouts and rationing.

There is a prospect that the Senate will vote to include the Hanford reactor in the AEC program, and that enough support can be rallied among the 120 nonvoting Members of the House to restore the item on the basis of a conference agreement. Perhaps this can be done, but not unless the political and business leaders of the Pacific Northwest take more interest in the project than they have to date, and go to bat behind the Kennedy administration.

This is a fight which calls for a merging of forces. Frankly, the Oregonian, which has urged construction of the dual purpose reactor for several years, is disgusted with the apathetic attitude of Northwest civic and business leaders who have not taken the trouble to learn the facts and who have been misled by false propaganda about private enterprise. Let's get to work.

INDEFINITE EXTENSION OF CIVIL RIGHTS COMMISSION

Mr. HAGAN of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, it has recently come to my attention that, while Deans Erwin N. Griswold, of Harvard Law School, and Spottswood W. Robinson III, of Howard Law School, await imminent confirmation by the Senate as members of the Civil Rights Commission, the term of the Commission will expire on November 8, 1961, if no legislation is enacted to remedy this unfortunate situation.

After some research I have discovered, somewhat to my surprise, that no bill has been introduced in the House which proposes to extend the term of the Civil Rights Commission, although several bills have been introduced with the intent of making that body a permanent agency. While I support completely those attempts to create a permanent Civil Rights Commission, it appears that the Senate may be reluctant to adopt such legislation during the current session.

I believe that it is imperative that the term of the Commission not be allowed to lapse with the consequent disruption in the continuity of that body's important work.

There is no Federal executive agency, other than the Civil Rights Commission, which is charged with the continuing responsibility for gathering information with the intent of assisting in the securing of guaranteed constitutional rights. It would be superfluous to reiterate at this time those facts which demonstrate the vital necessity for continuing this program.

Due to the imminence of the termination of the Commission and the great sense of urgency which I, and others, feel in this matter, I am introducing a bill similar to S. 1257, by Senator HUMPHREY, to indefinitely extend the Civil Rights Commission.

I have written to the President respecting this matter requesting that he impress upon the Members of the Congress the urgency of enacting such legislation before we leave to go home at the end of this session.

PROMOTION AND EXPANSION OF EXPORTS BY SMALL BUSINESS

Mr. HAGAN of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. ROOSEVELT] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. ROOSEVELT. Mr. Speaker, I introduce, as a member of the Select Committee on Small Business, a bill to encourage and promote the expansion, through private enterprise, of domestic exports in world markets and particularly to increase participation by the small business community of the Nation in such exports.

The most important need in the encouragement of small business participation in the international market is for an improved and expanded program of export credit guarantees, which will be competitive with similar programs available to exporters of other great trading nations from their governments, or from private sources. Accordingly, the bill will authorize the Export-Import Bank of Washington to provide new forms of assistance, including short-term commercial risk guarantees in addition to its present export credit guarantee program. In other words, the bill is intended to provide U.S. exporters with credit guarantees against both commercial and political risks in short- and medium-term transactions, which will be competitive with foreign credit guarantee programs.

Additionally, the bill will create a new Foreign Trade Division, within the Small Business Administration, to be under the supervision of a Deputy Administrator. Such a division in the agency devoted exclusively to the interests of small businessmen would be of tremendous assistance in expanding American exports by increasing the number of concerns engaged in that business. Such a division in SBA would be authorized, by the bill, to render vital services to small firms entering or considering entry into foreign markets. Furthermore, the bill would authorize the SBA to protect the interests of the small, individual businesses of the United States on interagency committees and in international trade negotiations.

In addition to the foregoing, the bill authorizes and directs the Departments of State and Commerce to expand their services in the export field and creates a counsel for exports promotion and an advisory committee for exports promotion, all for the purpose of fostering American exports, particularly by small businessmen.

Accordingly, it is obvious that the bill will not only expand and accelerate export promotion facilities in several ways, but will also provide improved coordination of Government export programs, all for the benefit of the entire business community.

FEDERAL AID TO IMPACTED SCHOOL DISTRICTS

Mr. HAGAN of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman from Maryland [Mr. LANKFORD] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LANKFORD. Mr. Speaker, today I have introduced a bill which provides for a 3-year extension of the temporary provisions of Public Laws 815 and 874, commonly known as Federal aid to impacted areas for educational purposes.

I deeply regret that the action by the House Rules Committee yesterday, in tabling all educational measures, necessitates the introduction of this bill. I have consistently supported a general education program, and will continue to do so, for I have long considered the crisis in our schools to be our most serious domestic problem. It has, however, always been my position that the Federal aid to impacted areas program is a particularly acute problem which has been treated separately in the past and, in view of recent developments, must again receive separate treatment. While I remain hopeful that the day will come when Public Laws 815 and 874, perhaps in a modified form, are made permanent, in view of the practicalities of the situation my bill calls for a temporary extension completely in accord with the recommendations by the House Education and Labor Committee as title II of H.R. 7300.

The Fifth Congressional District of Maryland is one of the most seriously affected areas in the United States, due to the large concentration of Federal activities. I refuse to believe that Congress will create financial chaos in school districts throughout our Nation that are servicing children of military and civilian employees of the Government, by allowing Public Laws 815 and 874 to expire abruptly. Therefore, simple fairness and justice dictate prompt enactment of my bill in order that school administrators can honor commitments made months ago based on the assumption that the Federal Government would continue to recognize its responsibilities.

INTERNATIONAL TRAVEL ACT OF 1961

Mr. HAGAN of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MACK] may extend his remarks at this point in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. MACK. Mr. Speaker, as a sponsor of the International Travel Act of 1961, I have a continuing interest in our Government's effort to attract foreign tourists to the United States.

The U.S. Travel Service has been established within the Department of Commerce to carry out the purposes of the act, now Public Law 87–63.

Congress gave this new agency the job of facilitating international travel generally as one of the means by which foreigners will be encouraged to visit this country.

Section 2 of the act directs the Secretary of Commerce, among other things, to foster travel between foreign countries and the United States at the cheapest possible rates.

Section 2 also calls for the development of low-cost unit tours as one way of reducing travel costs for our foreign guests.

It is in line with this policy that I have today introduced a bill for the purpose of making it easier and less expensive for Canadian bus companies to offer group vacation tours in the United States.

Under present law a Canadian company must obtain a certificate of convenience and necessity from the Interstate Commerce Commission in order to operate in the United States.

On the other hand, American charter buses may enter the Province of Quebec, and most other Canadian Provinces, almost as easily as passenger cars. Permits normally are granted upon application without any questioning of the necessity or convenience of the proposed charter trip.

I believe that we should reciprocate by making it just as easy for Canadian charter groups to be brought into this country.

My bill, therefore, would exempt from ICC certificate requirements the transportation of groups of passengers and their baggage in roundtrip charter service between Canada and the United States.

Enactment of my bill would lower a barrier to low cost, group travel of Canadians to the United States and, thereby, would help implement one of the important aims of the International Travel Act of 1961.

THE BERLIN ISSUE

Mr. GALLAGHER. Mr. Speaker, every American is troubled over the situation in Berlin and it is the focus of the news these days.

I introduced a resolution supporting the President's reply to the Soviet aide memoire on Germany and Berlin and am pleased that my committee unanimously approved this action this morning.

We must emphasize that continued exercise of U.S. rights in the Berlin area constitutes a fundamental policy and moral obligation, as stressed in President Kennedy's forthright reply to the Soviet Government.

Passage of this resolution would be a full and adequate reply to the disparaging statements of Soviet Ambassador Menshikov who recently intimated that the United States was bluffing on the Berlin issue. If the Russians believed their Ambassador, they would be making the greatest mistake in their history and one of the most tragic for them. It would be a mistake comparable and with identical consequences, to Hitler's miscalculations that the West would not go to war over Poland.

Mr. Roscoe Drummond has written an excellent article on this which appeared in the Washington Post today and I commend it to my colleagues:

TO AMBASSADOR MENSHIKOV

(By Roscoe Drummond)

Ambassador MIKHAIL A. MENSHIKOV,
Soviet Embassy,
Washington, D.C.

DEAR MR. AMBASSADOR: The American people are certainly interested to have you tell them what they will do over Berlin.

It is the traditional and prudent role of the diplomat to report his observations exclusively to his own government. But we know that Soviet Ambassadors are not bound by the proprieties. It is not unexpected, therefore, that you should be telling the people of the United States what we think and how we are going to act.

The fact that you choose a public forum, speaking to a group of American citizens at an Embassy reception, to spread your views shows that your purpose is not to inform your own Government.

Why, then, do you assume to intervene in U.S. affairs? Why do you deem it proper to counsel the American people as to what they should think or not think, as to what they should do or not do by saying that "when the chips are down, the American people won't fight for Berlin?"

It is only fair to say to you, Mr. Menshikov, that you are not going to fool the American people as to what you are up to—and I hope that you do not fatefully confuse your superiors. There are only two reasons which could cause you to make such a presumptuous statement as you made in Washington last week.

Either you are so confident the United States will not defend Berlin that you were just unable to restrain yourself from making the claim.

Or you are so fearful the United States will defend Berlin against Mr. Khrushchev's plan to liquidate Western rights that you hope to influence American opinion against the position of their own Government.

With all the earnestness at my command, I write to say to you, Mr. Ambassador, that you are totally and dangerously wrong, whichever be your purpose.

If you think that the people of the United States are prepared to see their Government concede to the Kremlin the authority—or the power—to liquidate Western rights in Berlin, you are wrong.

If you think that the people of the United States will not back up the President, with force if necessary, to maintain the freedom of West Berlin from Communist rule, you are wrong.

If you are informing your Foreign Office that President Kennedy won't dare stand firm on Berlin on the ground that the American people prefer appeasement to the risk of war, you are doing your own Government a perilous disservice by giving Moscow bad information.

That is the stuff that wars are made of. Don't make that mistake. Your superiors won't thank you for it.

If you know—as, perhaps you do—that American public opinion is not going to wilt in face of Khrushchev's threats to Berlin and will support Western rights there, do not make the imprudent mistake of thinking that yours is the voice which can change American public opinion into something more to your liking.

From the very wording of your statement, it is evident that you hope to do so. It won't work. You subtly put the issue in its least significant terms by saying that Americans won't fight for Berlin.

Nobody is going to fight just for Berlin. The issue is not just Berlin. The defense of Berlin is vital because it involves the security of the whole of Western Europe. I am confident I am not wrong when I say to you that the people and the Government of the United States will reject, and will resist by force if necessary, the claim of Khrushchev that by Soviet fiat he can extinguish Western rights in Berlin.

You ought to know that if you keep on trying to weaken U.S. opinion in this matter, you're going to end by strengthening it.

Don't mislead the Soviet people and don't try to lead the American people.

Sincerely yours,

ROSCOE DRUMMOND.

FAIR TRADE LEGISLATION

Mr. HAGAN of Georgia. Mr. Speaker, I ask unanimous consent that the gentleman from Michigan [Mr. DINGELL] may extend his remarks at this point in the RECORD and include extraneous matter.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. DINGELL. Mr. Speaker, we in the Congress are once again witness to the attempt to destroy competition in American commerce. So-called fair trade legislation has once again raised its exceedingly ugly head.

The editorial which I now introduce into the RECORD, from the Washington Daily News of July 13, 1961, points out that the bill in question, S. 1722, would empower the manufacturer to name the price at which his product is to be sold, and to prosecute the retailer who wishes to sell it for less to the consumer in your district and mine. As if this provision were not pernicious enough, the bill also empowers other retailers to sue those who wish to sell for less, and to sue them in the Federal courts, with no regard to diversity of citizenship, no regard to the amount in question, and worst of all, no requirement that the plaintiff actually suffer damages.

But even more execrable, Mr. Speaker, is that this bill, if passed, will gouge the consumer all across the Nation to the tune of a fantastic amount of money. If such so-called fair trade legislation passes it will, according to estimates of reputable economists, cost the consumer about $12 billion per year. This amount is enough, Mr. Speaker, to pay every unemployed man, woman, and youth in this country the equivalent of 4 months' wages at the average rate of compensation for factory workers in the country as of mid-June of this year.

This legislation, Mr. Speaker, must not be passed.

AT CROSS PURPOSES

While the Justice Department prepares more price-fixing indictments, a determined group in Congress is trying to make the practice legal.

In his office not far from Capitol Hill, Attorney General Robert F. Kennedy affirms that price fixing endangers American free enterprise. It also gyps the customer.

But, at the top of the Hill, the so-called fair trade propositions are getting another hearing, sponsored by three prominent liberal Senators, HUBERT HUMPHREY, WILLIAM PROXMIRE, and HUGH SCOTT.

They even have rigged a new title, "fair competitive practices bill." By fair they mean power to the manufacturer to fix a retail price for his product and to prosecute anyone who sells for less.

The National Association of Retail Druggists has been the main backer of this kind of legislation in the past. Now Senate committee aids say that hardware, camera, record and lumber industry groups are interested.

By whatever name this business is called, it is an effort to avoid competition—which is exactly what the electrical industry men were trying to avoid when they fell afoul of the law and went to jail.

Under our system free competition is depended upon to regulate prices at a level favorable both to the consumer and the efficient businessman. The alternative is Government price fixing and we saw how that works in the last war.

Attorney General Kennedy should be encouraged, and should get all the help he needs, to enforce the system of free competition. Meanwhile Congress again should ditch this mislabeled "fair trade" bill.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to Mr. LANKFORD (at the request of Mr. ALBERT), for today, on account of official business at U.S. Naval Academy.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to the following, at the request of Mr. HAGAN of Georgia:

Mr. COOK, for 30 minutes, on tomorrow.

Mr. HEMPHILL, for 1 hour, on Wednesday next.

Mr. ANFUSO, on tomorrow, for 1 hour.

EXTENSION OF REMARKS

By unanimous consent, permission to extend remarks in the CONGRESSIONAL RECORD, or to revise and extend remarks, was granted to:

Mr. LANE in two instances and to include extraneous matter.

Mr. VAN ZANDT and to include extraneous mattter.

Mr. BROOKS of Louisiana.

Mr. PELLY and to include extraneous matter.

(The following Members (at the request of Mr. DEVINE) and to include extraneous matter:)

Mr. BARRY.

Mr. SEELY-BROWN.

Mr. DOOLEY in two instances.

Mr. HORAN.

Mr. SCHNEEBELI.

Mr. PIRNIE.

Mr. SCHERER in two instances.

Mr. WEAVER.

Mr. SCHADEBERG.

Mr. FINDLEY.

(The following Members (at the request of Mr. HAGAN of Georgia) and to include extraneous matter:)

Mr. HÉBERT.

Mr. HOLTZMAN.

Mr. BOLAND.

Mr. ROSTENKOWSKI.

Mr. JENNINGS.

SENATE CONCURRENT RESOLUTION REFERRED

A concurrent resolution of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. Con. Res. 29. Concurrent resolution authorizing attendance of delegations from the Senate and House of Representatives at meeting of the Commonwealth Parliamentary Association; to the Committee on Foreign Affairs.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. BURLESON, from the Committee on House Administration, reported that that committee has examined and found truly enrolled bills and a joint resolution of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 929. An act to amend the Internal Revenue Code of 1954 to permit the prepaid dues income of certain membership organizations to be included in gross income for the taxable years to which the dues relate;

H.R. 1353. An act for the relief of Max Bleier;

H.R. 1477. An act for the relief of Mansureh Rinehart;

H.R. 1620. An act for the relief of Kejen Pi Corsa;

H.R. 1626. An act for the relief of Jack Konko;

H.R. 1911. An act for the relief of Ricaredo Bernabe Dela Cena;

H.R. 1915. An act for the relief of Mrs. Sode Hatta;

H.R. 2360. An act for the relief of Mrs. Tome Takamoto;

H.R. 4557. An act for the relief of Manuel Martinez-Lopez;

H.R. 5432. An act to make permanent certain increases in annuities payable from the civil service retirement and disability fund;

H.R. 5548. An act to authorize the Secretary of the Interior to acquire approximately 9 acres of land for addition to Cumberland Gap National Historical Park, and for other purposes; and

H.J. Res. 392. Joint resolution to amend the joint resolution of March 25, 1953, relating to electrical and mechanical office equipment for the use of Members, officers, and committees of the House of Representatives to provide that Members having constituencies of 500,000 shall be entitled to an additional $500 worth of equipment; to increase the number of electric typewriters which may be furnished Members; and for other purposes.

ADJOURNMENT

Mr. HAGAN of Georgia. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 58 minutes p.m.) the House adjourned until tomorrow, Thursday, July 20, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1145. A letter from the Chairman, Civil Aeronautics Board, transmitting a draft of a proposed bill entitled "A bill to amend section 406(b) of the Federal Aviation Act of 1958 to limit the right of certain air carriers to receive subsidy payments"; to the Committee on Interstate and Foreign Commerce.

1146. A letter from the Secretary of Commerce, transmitting the annual report on scientific research grants for the fiscal year 1961, for the Department of Commerce, pursuant to Public Law 934, 85th Congress; to the Committee on Science and Astronautics.

1147. A letter from the Administrator, Veterans' Administration, transmitting a draft of a proposed bill entitled "A bill to amend section 5011 of title 38, United States

Code, to clarify the authority of the Veterans' Administration to use its revolving supply fund for the repair and reclamation of personal property"; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. TRIMBLE: Committee on Rules. House Resolution 375. Resolution for consideration of H.R. 4998. A bill to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes; without amendment (Rept. No. 730). Referred to the House Calendar.

Mr. POWELL: Committee on Education and Labor. H.R. 4172. A bill to provide for the establishment of a Federal Advisory Council on the Arts to assist in the growth and development of the fine arts in the Nation's Capital and elsewhere in the United States; with amendment (Rept. No. 731). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 5964. A bill to authorize the use of funds arising from a judgment in favor of the Potawatomi Nation of Indians, and for other purposes; without amendment (Rept. No. 732). Referred to the Committee of the Whole House on the State of the Union.

Mr. O'BRIEN of New York: Committee on Interior and Insular Affairs. H.R. 7666. A bill to amend section 17(a) of the Revised Organic Act of the Virgin Islands pertaining to the salary of the government comptroller; without amendment (Rept. No. 733). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. S. 1087. An act to authorize and direct the transfer of certain Federal property to the government of American Samoa; without amendment (Rept. No. 734). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 1794. A bill to provide for the conveyance of certain real property of the United States situated in Hawaii and to the city and county of Honolulu, Hawaii; with amendment (Rept. No. 735). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 7725. A bill to authorize the Secretary of the Army to reconvey to the town of Malone, N.Y., certain real property heretofore donated by said town to the United States of America as an Army Reserve center and never used by the United States; without amendment (Rept. No. 736). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAFFORD: Committee on Armed Services. H.R. 5228. A bill to authorize the Secretary of Defense to lend certain Army, Navy, and Air Force equipment and provide certain services to the Girl Scouts of the United States of America for use at the 1962 Girl Scouts senior roundup encampment, and for other purposes; without amendment (Rept. No. 737). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 7727. A bill to amend title 10, United States Code, to permit members of the Armed Forces to accept fellowships, scholarships, or grants; without amendment (Rept. No. 738). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 7728. A bill to amend title 10, United States Code, to authorize the Secretary of a military department to sell goods and services to the owner of an aircraft or his agent in an emergency, and for other purposes; with amendment (Rept. No. 739). Referred to the Committee of the Whole House on the State of the Union.

Mr. PHILBIN: Committee on Armed Services. H.R. 7721. A bill to authorize the Secretary of the Army to adjust the legislative jurisdiction exercised by the United States over lands within the Fort Sheridan Military Reservation, Ill.; without amendment (Rept. No. 740). Referred to the Committee of the Whole House on the State of the Union.

Mr. POWELL: Committee on Education and Labor. H.R. 6302. A bill to establish a teaching hospital for Howard University, to transfer Freedmen's Hospital to the university, and for other purposes; with amendment (Rept. No. 741). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS of Louisiana: Committee of conference. H.R. 6874. A bill to authorize appropriations to the National Aeronautics and Space Administration for salaries and expenses, research and development, construction of facilities, and for other purposes (Rept. No. 742). Ordered to be printed.

Mr. POWELL: Committee on Education and Labor. H.R. 7812. A bill to provide for the registration of contractors of migrant agricultural workers, and for other purposes; with amendment (Rept. No. 743). Referred to the Committee of the Whole House on the State of the Union.

Mr. ANDREWS: Committee of conference. H.R. 7577. A bill making appropriations for the Executive Office of the President, the Department of Commerce, and sundry agencies for the fiscal year ending June 30, 1962, and for other purposes (Rept. No. 744). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BAILEY:

H.R. 8227. A bill to authorize the Secretary of the Army to establish an annex to the Grafton National Cemetery, Grafton, W. Va.; to the Committee on Interior and Insular Affairs.

By Mr. BENNETT of Michigan:

H.R. 8228. A bill to amend the Communications Act of 1934, as amended; to the Committee on Interstate and Foreign Commerce.

By Mr. MILLS:

H.R. 8229. A bill to provide for inclusion of certain imported cotton articles within the coverage of certain proclamations under section 22 of the Agricultural Adjustment Act, as amended; to the Committee on Ways and Means.

By Mr. COOLEY:

H.R. 8230. A bill to improve and protect farm prices and farm income, to adjust supplies of agricultural commodities in line with the requirements therefor, to improve distribution and expand exports of agricultural commodities, to liberalize and extend farm credit services, to protect the interests of consumers, and for other purposes; to the Committee on Agriculture.

By Mr. GLENN:

H.R. 8231. A bill to amend the Agricultural Act of 1956, as amended, and the Agricultural Act of 1949, as amended, to prohibit the subsidized export of any agricultural commodity to Communist nations and to prohibit sales by the Commodity Credit Corporation of any agricultural commodities to such nations; to the Committee on Agriculture.

H.R. 8232. A bill to amend the Agricultural Act of 1956, as amended, and the Agricultural Act of 1949, as amended, to prohibit the subsidized export of any agricultural commodity to Communist nations and to prohibit sales by the Commodity Credit Corporation of surplus agricultural commodities to such nations at prices less than those prices available to American consumers; to the Committee on Agriculture.

By Mr. HARSHA:

H.R. 8233. A bill to amend the Agricultural Act of 1956, as amended, and the Agricultural Act of 1949, as amended, to prohibit the subsidized export of any agricultural commodity to Communist nations and to prohibit sales by the Commodity Credit Corporation of any agricultural commodities to such nations; to tne Committee on Agriculture.

H.R. 8234. A bill to amend the Agricultural Act of 1956, as amended, and the Agricultural Act of 1949, as amended, to prohibit the subsidized export of any agricultural commodity to Communist nations and to prohibit sales by the Commodity Credit Corporation of surplus agricultural commodities to such nations at prices less than those prices available to American consumers; to the Committee on Agriculture.

By Mr. HOLTZMAN:

H.R. 8235. A bill to grant civil service employees retirement after 30 years' service; to the Committee on Post Office and Civil Service.

By Mr. HORAN (by request):

H.R. 8236. A bill to authorize the use of funds arising from judgments in favor of any of the Confederated Tribes of the Colville Reservation; to the Committee on Interior and Insular Affairs.

By Mr. INOUYE:

H.R. 8237. A bill to establish a National Wilderness Preservation System for the permanent good of the whole people, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8238. A bill to amend section 131 of title 23 of the United States Code relating to industrial and commercial plans; to the Committee on Public Works.

By Mr. KING of Utah:

H.R. 8239. A bill to amend the Internal Revenue Code of 1954 to provide more equitable tax treatment of professional athletes by permitting them to average their taxable income over a 5-year period under certain circumstances; to the Committee on Ways and Means.

By Mr. LANKFORD:

H.R. 8240. A bill to extend for 3 years the temporary provisions of Public Laws 815 and 874, 81st Congress, and for other purposes; to the Committee on Education and Labor.

H.R. 8241. A bill to provide for the conveyance of certain real property of the United States to the State of Maryland; to the Committee on Government Operations.

By Mr. MACK:

H.R. 8242. A bill to amend section 203 of part II of the Interstate Commerce Act with respect to certain Canadian tourist transportation; to the Committee on Interstate and Foreign Commerce.

By Mr. MAGNUSON:

H.R. 8243. A bill to authorize the Secretary of the Interior to cooperate with the First World Conference on National Parks, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 8244. A bill to amend the act admitting the State of Washington into the Union in order to authorize the use of funds from the disposition of certain lands for the construction of State charitable, educational, penal or reformatory institutions; to the Committee on Interior and Insular Affairs.

By Mr. MONTOYA:

H.R. 8245. A bill to extend for 2 years the temporary provisions of Public Law 874, 81st Congress, which relates to Federal assistance in the operation of schools in areas affected by Federal activities; to the Committee on Education and Labor.

H.R. 8246. A bill to extend for 2 years the temporary provisions of Public Law 815, 81st Congress, which relates to Federal assistance in the construction of schools in areas affected by Federal activities; to the Committee on Education and Labor.

By Mr. NORBLAD:

H.R. 8247. A bill to amend the Agricultural Act of 1956, as amended, and the Agricultural Act of 1949, as amended, to prohibit the subsidized export of any agricultural commodity to Communist nations and to prohibit sales by the Commodity Credit Corporation of any agricultural commodities to such nations; to the Committee on Agriculture.

By Mr. REUSS:

H.R. 8248. A bill to amend the Federal Property and Administrative Services Act of 1949 to provide an orderly program of decentralization and relocation of facilities and personnel of executive agencies; to the Committee on Government Operations.

By Mr. ROOSEVELT:

H.R. 8249. A bill to encourage and promote the expansion through private enterprise of domestic exports in world markets; to the Committee on Banking and Currency.

H.R. 8250. A bill to indefinitely extend the Civil Rights Commission; to the Committee on the Judiciary.

By Mr. ST. GERMAIN:

H.R. 8251. A bill to amend title II of the Social Security Act to reduce from 72 to 67 the age at which deductions on account of an individual's outside earnings will cease to be made from benefits based on such individual's wage record; to the Committee on Ways and Means.

By Mr. SCHERER:

H.R. 8252. A bill to amend the Agricultural Act of 1956, as amended, and the Agricultural Act of 1949, as amended, to prohibit the subsidized export of any agricultural commodity to Communist nations and to prohibit sales by the Commodity Credit Corporation of any agricultural commodities to such nations; to the Committee on Agriculture.

By Mr. SHRIVER:

H.R. 8253. A bill to provide veterans' benefits for members of the Student's Army Training Corps at Fort Hays, Kans., during World War I; to the Committee on Veterans' Affairs.

By Mr. TEAGUE of California:

H.R. 8254. A bill to extend for 2 years the temporary provisions of Public Laws 815 and 874, 81st Congress, which relate to Federal assistance in the construction and operation of schools in areas affected by Federal activities; to the Committee on Education and Labor.

By Mr. TRIMBLE:

H.R. 8255. A bill to authorize the Administrator of General Services to convey certain land situated in the State of Arkansas to the city of Fayetteville, Ark.; to the Committee on Government Operations.

By Mr. WESTLAND:

H.R. 8256. A bill to amend section 10 of the Organic Act of Guam relative to the legislative branch; to the Committee on Interior and Insular Affairs.

By Mr. BRADEMAS:

H.R. 8257. A bill to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower; to the Committee on Foreign Affairs.

By Mr. CONTE:

H.R. 8258. A bill to promote the preservation, for the public use and benefit, of certain portions of the shoreline areas of the United States; to the Committee on Interior and Insular Affairs.

By Mr. FINDLEY:

H.R. 8259. A bill to amend the Agricultural Act of 1956, as amended, and the Agricultural Act of 1949, as amended, to prohibit the subsidized export of any agricultural commodity to Communist nations and to prohibit sales by the Commodity Credit Corporation of surplus agricultural commodities to such nations at prices less than those prices available to American consumers; to the Committee on Agriculture.

By Mr. HALPERN:

H.R. 8260. A bill to provide Federal assistance for projects which will evaluate and demonstrate techniques and practices leading to a solution of the Nation's problems relating to the prevention and control of juvenile delinquency and youth offenses and to provide training of personnel for work in these fields, and to provide for a Federal Youth Office in the Department of Health, Education, and Welfare, and for other purposes; to the Committee on Education and Labor.

By Mr. HENDERSON:

H.R. 8261. A bill to extend for 3 years the temporary provisions of Public Laws 815 and 874, 81st Congress, and to make certain changes in such laws; to the Committee on Education and Labor.

By Mr. DEVINE:

H.R. 8262. A bill to amend the Agricultural Act of 1956, as amended, and the Agricultural Act of 1949, as amended, to prohibit the subsidized export of any agricultural commodity to Communist nations and to prohibit sales by the Commodity Credit Corporation of any agricultural commodities to such nations; to the Committee on Agriculture.

By Mr. GOODLING:

H.J. Res. 489. Joint resolution to provide protection for the golden eagle; to the Committee on Merchant Marine and Fisheries.

By Mr. MILLS:

H.J. Res. 490. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. GALLAGHER:

H. Con. Res. 351. Concurrent resolution supporting the President's reply to the Soviet aide memoire on Germany and Berlin; to the Committee on Foreign Affairs.

By Mr. VINSON:

H. Con. Res. 352. Concurrent resolution providing the express approval of the Congress, pursuant to section 3(e) of the Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98b(e)), of certain materials from the national stockpile; to the Committee on Armed Services.

By Mr. ROUSH:

H. Res. 376. Resolution to provide a form of certificate of election of a Member of the House of Representatives; to the Committee on House Administration.

By Mr. BROOMFIELD:

H. Res. 377. Resolution to authorize the Committee on Banking and Currency to conduct an investigation and study of the operation of the Export Control Act of 1949 and related matters; to the Committee on Rules.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. GILBERT:

H.R. 8263. A bill for the relief of Herman Ethelbert Evans and his wife, Evelyn Evans; to the Committee on the Judiciary.

By Mr. HALPERN:

H.R. 8264. A bill for the relief of Robert Klein; to the Committee on the Judiciary.

By Mr. INOUYE:

H.R. 8265. A bill for the relief of Mrs. Margaret L. Fries; to the Committee on the Judiciary.

By Mr. KEOGH:

H.R. 8266. A bill to authorize Rear Adm. Gordon McLintock, U.S. Maritime Service, to accept the award of the Order of Maritime Merit, Degree of Commander, and to wear and display the insignia thereof; to the Committee on Foreign Affairs.

By Mr. KING of New York:

H.R. 8267. A bill for the relief of Gee Lai Ting; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 8268. A bill for the relief of Jew Bing Shew; to the Committee on the Judiciary.

By Mr. OSMERS:

H.R. 8269. A bill for the relief of Dr. Walter H. Duisberg; to the Committee on the Judiciary.

By Mr. SANTANGELO:

H.R. 8270. A bill for the relief of Aurora Dorado; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

195. Mr. STRATTON presented a petition of the Board of Supervisors of Otsego County, N.Y., by means of resolution, opposing any legislation which would have a harmful or adverse effect upon the railroad industry in the highly competitive field of transportation, which was referred to the Committee on Interstate and Foreign Commerce.

EXTENSIONS OF REMARKS

J. Edgar Hoover

EXTENSION OF REMARKS

OF

HON. EDWIN B. DOOLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. DOOLEY. Mr. Speaker, in the Halls of Congress there are disturbing rumors that an effort will be made shortly to remove from office a great American, J. Edgar Hoover. Whether these rumors be false or true cannot be determined at this time, but the fact remains that there is an undercurrent of discussion surrounding this outstanding American whose service to our country has been sustained and extraordinary over a period of many years.

A man as forthright and provocative, as courageous and informed as J. Edgar Hoover, is bound to creat enemies on the left. His trenchant delineation of the subtle influence of subversive forces in our country, as stated in his book "Masters of Deceit," made him a marked man among those who are out to destroy us.

In his book, J. Edgar Hoover not only pointed clearly to those who are our enemies but outlined in bold and truthful fashion the science of communism, its methods of appeal, the dedication of party members, the Trojan horse tactics, the Communist underground, and all the conniving trickeries that followers of Lenin and Marx employ.

J. Edgar Hoover's service to his country has been so remarkable and so productive of results, having pursued a strong course with justice and tolerance marked by intelligence and dignity, that he should be guaranteed a lifetime position as head of the Federal Bureau of Investigation.

No other man in our age has proven as stubborn a foe to the forces that are out to destroy us, as has J. Edgar Hoover.

Sibal Urges Rail Compact

EXTENSION OF REMARKS
OF
HON. HORACE SEELY-BROWN, JR.
OF CONNECTICUT
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. SEELY-BROWN. Mr. Speaker, one of the problems that is perplexing to the people of Connecticut is the rise and fall of the New Haven Railroad. The railroad is vital to the economy, but under its most recent management it has had no rise, and its fall reached the point a few days ago when it was necessary for the company to apply for the appointment of a trustee for reorganization under the Bankruptcy Act.

Within a few days Judge Anderson, of the U.S. District Court for Connecticut, will appoint a trustee or trustees and the efforts to rehabilitate the railroad will begin. These efforts are of concern not only to Connecticut, but to the entire Nation and its economy.

The situation demands constructive action. One proposal for constructive action has been made by my colleague, the gentleman from Connecticut, ABNER W. SIBAL, whose district is the home of 30,000 men and women who commute daily to their employment in New York City.

Representative SIBAL has been advocating a regional solution to the problems of this railroad, and of other railroads, specifically through an interstate compact.

His views or proposals are well summarized in a letter which was published in the New York Times of July 17. Because of the interest which all Members will have in the course of action recommended for revitalizing the railroads, I am including Representative SIBAL's letter at this point in my remarks:

URGES RAIL COMPACT—REPRESENTATIVE SIBAL, OF CONNECTICUT, OUTLINES BILL TO DEAL WITH NEW HAVEN'S PROBLEMS

To the EDITOR OF THE NEW YORK TIMES:

I wish to commend you for the editorials on the New Haven Railroad in your editions of July 8 and 10. You quite correctly warn against further palliatives and trifling help, which would be only wasteful of time and money.

This problem must be tackled at once on a regional basis and I have long been urging an interstate compact between the States affected. Soon after I came to Congress, I introduced a bill (H.R. 6075), that would grant the necessary congressional approval to such a compact. This bill is restricted to the New Haven Railroad and provides a four-point standard for such a compact. While this may be too restrictive, I had hoped it would spur action by the States, which must initiate negotiations.

Under the bill, the approved compact:

Shall provide machinery necessary for the determination of the need for such railroad for public funds and the uses to which such funds must be put;

Shall contain provisions to insure that any public funds made available would be used to improve commuter and other passenger services;

Shall provide for giving the public a voice each State which is a party to the compact;

Shall provide for financial participation by in the policies of such railroad insofar as they relate to commuter and other passenger services.

OPERATING COMMUTER LINES

It is tragic that we have had to wait until the emergency was fully upon us before being aroused to positive action toward a permanent solution. I have urged most strongly and continue to urge that swift action be taken by the States to negotiate an interstate compact through which commuter lines may be operated.

These negotiations should contemplate necessary changes in working rules and antiquated divisional boundaries, which, as you pointed out, are indefensible in many cases today.

Further tax revision is also called for. Unfortunately, efforts to repeal the 10-percent Federal excise tax on passenger travel failed last month in the House by only 7 votes. Senator PRESCOTT BUSH and I just have introduced new legislation that would suspend the tax on passenger travel over railroads being reorganized under the bankruptcy law.

It is hoped that area Members who voted against general repeal will support this measure, which would give much needed assistance to the New Haven until such time as it can be operated under terms of an interstate compact.

ABNER W. SIBAL.

WASHINGTON, *July 10, 1961.*

Retirement of Federal Civil Service Employees

EXTENSION OF REMARKS
OF
HON. LESTER HOLTZMAN
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. HOLTZMAN. Mr. Speaker, I am today introducing in the House of Representatives a bill which will permit a Federal civil service employee to retire after 30 years of service, regardless of age.

Under the current law, a Federal employee must have reached the age of 62 before he can qualify for a full retirement annuity after having been so employed for a period of 30 years. There has been a gradual liberalization of retirement ages in some private industries and in the reduction of age limitations for men and women who are eligible for social security benefits, and I believe the Federal Government should take the lead in setting an example for other employers to follow by permitting retirement of their employees, with full annuity, after 30 years of service, at any age.

Provisions of my bill will actually permit an employee to retire from the Federal service prior to age 60. Many Federal employees entered Government service immediately after completion of their schooling, and in many instances have completed 30 years of service by the time they reach 50 years of age, or shortly thereafter.

At the present time a Federal employee can retire between the ages of 55 and 60, after having been with the Government for 30 years, but must accept a reduced annuity. Many would like to take advantage of retirement to devote their time and energies to other interests and endeavors, but cannot afford to live comfortably and securely on a reduced annuity, particularly in this day and age when the cost of living is still so high.

The 1960 census reports show that there has been an increase in the percentage of older citizens and a greater increase in the population 18 years of age and under. To meet the growing demands of the expanding labor force of younger people, we must meet the challenge of providing for earlier retirement. This legislation will do just that.

Bland County Centennial

EXTENSION OF REMARKS
OF
HON. W. PAT JENNINGS
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. JENNINGS. Mr. Speaker, I would like to call the attention of my colleagues to a significant and important event that is taking place this week in my congressional district.

Bland County, Va., is observing its 100th birthday, having been officially "born" by an act of the Virginia General Assembly on March 30, 1861.

On Sunday, July 16, the county's centennial celebration began; it will continue through Saturday, July 22. Several months of preparation have gone into this observance, which included the publication of the "History of Bland County." A museum has been established for this week; a historical pageant, "Down Through the Ages," is being held nightly; there will be a parade and other activities to make this a memorable week in Bland County. Needless to say, many former Bland County residents are returning to visit with the homefolks.

Mr. Speaker, I am certain my constituents in Bland County would welcome any Member of the House or Senate in their county, either in this centennial week or later. In their behalf, I extend a cordial invitation to each of my colleagues.

In this connection, Bland County has some of the most beautiful scenery to be found east of the Mississippi. I quote from the "History of Bland County":

No doubt the first white man to gaze upon this favorite hunting ground of the red man was awestruck by the wild beauty of the panorama before him. He saw the fertile valleys dotted here and there by small natural clearings and watered by cold rushing streams. The tinkling mountain branches falling over moss-covered rocks

down deep ravines filled with thick laurel beds furnished music that filled his soul with gladness. As his gaze swept upward along the colorful mountain slopes, covered with dense forests of hardwood on to the towering peaks some of which wore a halo of fleecy white clouds, he thought what more could mortal man want.

Bland County has made great progress during the past 100 years. The people are working and planning for the future—in agriculture, the economy in general, and education. It should be pointed out that the Bland superintendent of schools, Mr. James O. Morehead, has been the president of the Centennial Corp. He, of course, has been assisted by a multitude of devoted citizens who wished to see their county's 100th birthday properly observed.

Mr. Speaker, I extend my sincere congratulations to Bland County on this important occasion. I am proud to have these people as my constituents. I know all of my colleagues join in sending best wishes to Bland during this centennial week.

Statement of Hon. Thomas J. Lane, of Massachusetts, Concerning Impact of Imports and Exports on Employment in the Textile Industry Before Subcommittee of House Education and Labor Committee

EXTENSION OF REMARKS
OF
HON. THOMAS J. LANE
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. LANE. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following statement:

Mr. Chairman, and members of the subcommittee, this inquiry into the impact of imports and exports on American employment in the textile industry pinpoints the double blow to this indispensable industry from reduced exports and increased imports.

Although all categories of the industry must be considered as indivisible parts of the one problem, I shall confine myself to the two major sectors of cotton and wool manufacturers. Since 1958 cotton manufacturers imports have had the greatest percentage increase (121 percent). Wool manufacturers imports in the same short period increased by (102 percent).

Cotton broadwoven imports were 7.75 percent of domestic production.

Wool broadwoven imports were 15.3 percent of domestic production.

The U.S. cotton textile industry has lost a billion yards of exports equal to 9 percent of domestic production since 1947. This long-term trend is expected to continue. The decline in exports has accompanied the increase in imports. And what has been the resulting impact?

Over the past decade textile mill employment in the United States has declined by 400,000 jobs, or approximately one-third of the total employment in this branch of the industry. This decline has been concentrated along the Atlantic seaboard and especially in the many communities where textile mills constitute the sole or principal source of employment. Employment in New England declined by 61 percent.

There has been a massive liquidation of textile mills. Since 1947, 838 mills in the United States, employing almost 230,000 workers, have gone out of business.

Textile hourly earnings, which in 1950 were 15 percent below the average for all manufacturing workers and 10 percent below the average for soft goods industries, were 30 percent and 23 percent below the average of all manufacturing and nondurable goods industry, respectively, in 1960. Short workweeks and cyclical layoffs have added to the chronic unemployment characteristic of many textile centers.

Declining employment, increased unemployment, depressed prices, low earnings, shrinking production, and continued mill liquidations have several causes, but the competition from imports that are produced by foreign workers who are paid an average of 24 cents an hour is the principal cause.

Technological changes in production and a drop in per capita consumption of textiles—among other factors—necessitated some contraction in the textile industry, but do not explain the present and continuing threat to its survival.

If the Government had exerted constructive leadership in the past decade to provide a solution to problems of this type, it would not have been forced to legislate a program for the redevelopment of distressed areas including so many communities that once depended upon the textile mills for their livelihood.

It has been estimated that 15 million Americans are dependent for a living upon textile and related industries. The textile industry is the largest manufacturing employer in the Nation, employing 14 percent of all manufacturing workers. In March 1961 the Department of Labor reported total employment of 2,159,000 workers.

Only timid and tentative efforts have been made by the Government to help an industry which is essential to the economic progress and to the security of the United States.

Like Hamlet, it has pondered this, and pondered that for many years without arriving at a practical decision to solve the problem.

All available statistics prove that the decline of exports and the increased pressure of imports is condemning the textile industry to a slow if lingering death as long as the Government fails to provide reasonable protection through tariffs or import quotas.

The purpose of these hearings is to reveal that the impact of imports (in relation to declining exports) is having a very serious effect upon employment in the textile industry.

Unless the administration, in its negotiations with those nations that are exporting an increasing volume of textiles to the United States, is able to arrive at agreements that will enable the American textile industry to compete in its own home market, the Congress has no alternative but to take matters into its own hands.

The impact of imports on American textile producers and textile employees is a clear and present danger that must be met by corrective action.

Communist Propaganda

EXTENSION OF REMARKS
OF
HON. HENRY C. SCHADEBERG
OF WISCONSIN
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. SCHADEBERG. Mr. Speaker, I received the following communication today from one who does not reside in my district. In its brevity it speaks eloquently of the plight in which many millions of freedom-loving people find themselves today:

Communist propaganda is overflooding my mailbox. Help.

West Berlin Shall Not Fall Captive

EXTENSION OF REMARKS
OF
HON. HERMAN T. SCHNEEBELI
OF PENNSYLVANIA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. SCHNEEBELI. Mr. Speaker, we are now observing the second anniversary of Captive Nations Week. I think it only fitting at this time to renew our pledge of firmness and strength in West Berlin. The issue of West Berlin is part of the issue of a free united Germany. And the issue of a free united Germany must be an integral part of our captive nations observance.

To Germany and the whole world, West Berlin is an outstanding symbol of a free society, a signpost of freedom glowing in the wilderness of Communist oppression. But West Berlin is more than a symbol, more than a signpost. It is a city of 2,223,800 free people who enjoy that freedom because we have remained firm in the face of Communist threats. It is a city of free people who have learned to live under the muzzle of Russian guns and who are not afraid to make the sacrifices that are necessary for the maintenance of their freedom. It is a city of free people who know the results of Russian promises and who harbor no illusions about a guarantee of their freedom in an internationalized city surrounded by East Germany.

The world has heard such promises before. Hitler promised the freedom and integrity of Czechoslovakia if only he could have the Sudetenland. This was all he wanted, he promised Mr. Chamberlain, and Mr. Chamberlain believed he had secured "peace in our time." Khrushchev plays no different a game. He is like the man who kept buying up all the land near him. When asked why he wanted all the land in the State he replied that he didn't want it all, he just wanted the land adjacent to his own.

But we do not have to go back to 1938 for examples. We can stop at 1956 and Hungary. Have we forgotten those months when freedom was murdered while we in the West sat on the sidelines and offered our sympathy to a people who could not succeed without our help? The people of West Berlin have not forgotten. Nor have they forgotten the free elections in Czechoslovakia that never took place, nor the revolt in Poznan of desperate men flinging rocks against Soviet tanks. When are we going to realize that there is no peace now; that there can never be a true peace as long as the world remains half slave and half free?

We talk of our prestige throughout the world. But, Mr. Speaker, if we retreat

from our position in Berlin who will believe we will stand anywhere in the world. Will the people of Thailand and Cambodia believe that we will really help them defend their borders? Will the people of Latin America have any faith at all left in us if we bungle Berlin the way we bungled Cuba? And what of the new African states? We are constantly wondering what they will think of us. Does anyone think the lesson will be lost on them if we retreat in Berlin?

We talk of solidarity of our alliances against Communist aggression. Does anyone think that our allies will have much faith in us if we back away from a stand that they have been willing to support? NATO would be shattered. Our allies would lose heart in an alliance that could not keep its most powerful member from retreating. When one lets down his defenses in the face of Communist aggression, it has always been a signal for more aggression.

No one will deny that the problems involved are complex and bewildering. The problems are enormous; but then so is the price of freedom. It always has been. When peace becomes more important than freedom and when men become so apathetic toward liberty that they are no longer willing to fight for it, then perhaps they do not deserve to have it. This may be brinksmanship, as critics have cried in the past. But brinksmanship for freedom is better than appeasement for an illusionary peace.

Financing Foreign Aid

EXTENSION OF REMARKS
OF
HON. THOMAS M. PELLY
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. PELLY. Mr. Speaker, in line with the present discussion on the administration's foreign aid proposal, I have addressed the following letter to our colleague, the gentleman from Louisiana. I believe my comments and illustration in connection with the means of financing the program are self-explanatory and may be helpful to others.

LETTER, DATED JULY 19, 1961, TO THE HONORABLE OTTO E. PASSMAN, HOUSE OF REPRESENTATIVES, WASHINGTON, D.C.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 19, 1961.

DEAR COLLEAGUE: I was not able to be present yesterday when you addressed the House of Representatives on the administration's proposal for foreign aid. I was testifying at the time before the House Committee on Rules and thereby missed hearing your remarks.

However, this morning I read them in the CONGRESSIONAL RECORD and I only wish every American could be given the facts as you stated them. The sad thing to me is that many people with high Christian motives and generous, charitable impulses have no true conception of the principles involved in the present controversy.

The basic difference between the President and many of us in Congress is not a matter of long-range planning. Personally, I have no quarrel with a 5-year plan, but under my sacred and sworn duty I want to comply with the Constitution and in the spirit of a responsible legislator to insist on an annual review and scrutiny by Congress of all expenditures.

To draw a simple illustration, suppose for example that a church had a charitable program. Would the members of its congregation do well to say to its pastor: "Borrow the money—spend it on whatsoever you desire?" Or would the congregation in its wisdom say: "The church will have an annual budget. Go ahead, pastor, and plan on a long-range welfare program, but each year give us a report on what you spent in the previous 12 months. Tell us how much you feel is required for the ensuing year. Then, a special church committee, on the basis of your request, will provide the sums it feels are justified in line with the church's treasury and ability to pay?"

I think that is a fair comparison.

Actually, Mr. Passman, as you have said, in the past 6 years $1.5 billion of the money appropriated by Congress for foreign aid has not ever been allocated, even after Presidential requests have been cut. Now the President wants a blank check and worst of all, he wants no scrutiny or need to justify what he does with the money.

One has only to recall some of the waste and mistakes of the past, the scandals, the unnecessary extravagance, the abandoned projects, the evidence of corruption and all the bad parts of the program to realize the desirability of investigation by Congress. It was the annual reviews of Congress that revealed the errors of the past. Who would bring these to light in the future?

Why does the executive branch seek to avoid the surveillance of Congress? Why does it seek to bypass the constitutional requirement that no money be drawn from the Treasury save in consequence of an appropriation?

No informed, intelligent person, in the light of the history of foreign aid, would support such an unsound procedure as backdoor spending, with its inherent abdication of the power and responsibility of the legislative branch.

As you have said, such proposals are moving toward making a mockery of the legislative body we all love. How can we make our people see this?

As a member of a different political party, I commend you for your dedication to principles. As you know, I have organized a bipartisan group of more than 100 House Members who joined with me in a letter to the chairman of the House Committee on Foreign Affairs in support of an annual review.

If I can be helpful in any way, please call on me. Meanwhile, I applaud your efforts.

Sincerely,

THOMAS M. PELLY,
Representative in Congress.

Tribute to W. Kingsland Macy

EXTENSION OF REMARKS
OF
HON. ROBERT R. BARRY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. BARRY. Mr. Speaker, the sudden death of William Kingsland Macy at his home on July 15 came as a sudden and profound shock to his many friends. A Member of Congress for 4 years from New York's First Congressional District, he was a vigorous conservative and an untiring worker, always fighting for his deeply cherished beliefs.

With roots in this country dating back to his family's purchase of Nantucket Island in 1635, Kingsland Macy throughout his life devoted himself to public affairs. I admired him as a politician and respected him as a man. In his career, a turbulent one, he never backed away from a fight. He was best known for his part in the Seabury investigation into New York City Mayor Jimmie Walker's administration.

A longtime Republican leader, he served on the New York State Board of Regents for 12 years and was a vestryman of his church. To those of us who were fortunate enough to know him as a dedicated public servant and as a cherished friend, his loss is a tragic event.

Western Illinois Wants Firm Stand Against Communism

EXTENSION OF REMARKS
OF
HON. PAUL FINDLEY
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. FINDLEY. Mr. Speaker, an extensive survey which I have just completed indicates clearly that my constituents in the 20th District of Illinois, favor using U.S. combat forces to contain communism, oppose greater Government control of farm production, and also oppose most of the administration's spending proposals.

In order to make the survey as impartial as possible, I sent a list of 10 questions on foreign and domestic policy to each constituent listed in a telephone directory. The replies totaled 10,531, or 18 percent. I consider this response gratifying, indicating a concern about national problems and an eagerness to be heard.

Sixty-eight percent of those giving an opinion favored using U.S. armed intervention to prevent further Communist takeovers.

Proposals for medical care for the aged, Federal spending for public and private schools, admission of Red China to the U.N., foreign aid, and greater Government control of farm production were rejected by big majorities.

Smaller majorities favored the Peace Corps proposal, also higher taxes so the interstate highways can be built on schedule. Higher postal rates got "thumbs down."

Most replies showed "no opinion" on one or more questions.

Votes on each question follow:

1. Do you favor a medical program for the aged financed by higher social security taxes? Yes, 3,057; no, 5,986 (66 percent opposed).
2. Do you favor Federal spending for public school construction and teacher salaries? Yes, 2,896; no, 6,226 (67 percent opposed).
3. Do you favor Federal spending for private schools? Yes, 658; no, 8,623 (93 percent opposed).
4. Do you favor the Peace Corps program? Yes, 3,059; no, 2,784 (52 percent for).

5. In Laos (and similar situations) do you favor U.S. armed intervention to prevent a Communist take-over? Yes, 5,158; no, 2,414 (68 percent for).

6. Do you favor admitting Red China to the United Nations? Yes, 1,090; no 7,515 (87 percent opposed).

7. Do you approve of administration proposals for foreign aid? Yes, 2,198; no, 4,464 (68 percent opposed).

8. Do you favor 5-cent first-class rate and other postal increases to offset the postal deficit? Yes, 4,174; no, 4,705 (53 percent opposed).

9. Do you favor greater Government control of farm production? Yes, 973; no, 7,591 (88 percent opposed).

10. Do you favor 1-cent a gallon gasoline tax extended and truck taxes increased? Yes, 5,147; no, 3,516 (60 percent for).

More than 3,000 of those replying took the trouble to explain their answers and add other comments. It has been a valuable exercise in representative Government. Valuable to me because I have had the benefit of advice and comment from more than 10,000 constituents.

I believe it has also been worthwhile for those who participated. In this land, the citizen is sovereign, and it is entirely proper that he should sit down and study over the problems before Congress, and then report his thoughts so his representative can be guided accordingly.

J. Edgar Hoover

EXTENSION OF REMARKS
OF
HON. ALEXANDER PIRNIE
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. PIRNIE. Mr. Speaker, in these days of external peril, Americans can take special pride and comfort in the knowledge that the preservation of our internal security remains the responsibility of J. Edgar Hoover, Director of the Federal Bureau of Investigation.

His skillful and impartial administration of the FBI has created a Government agency which discharges its vast responsibilities efficiently and fairly. Without trespassing upon the individual rights of our citizens, the FBI zealously pursues all who violate the law of the land. This task in no sense should be a partisan endeavor, and it is significant that Mr. Hoover's aggressive, capable, and faithful discharge of important duties has won and retained the confidence and respect of four Presidents, their Attorneys General, and the American people.

His diligent, determined fight against internal subversion has on countless occasions successfully thwarted Kremlin schemes to undermine us from within. The Communists know that as long as Mr. Hoover holds office, they will be confronted by a determined adversary, who fully understands their methods of operation. His very presence on our national scene gives our people a sense of security.

Mr. Speaker, as Representatives of the people, it is appropriate that we support and commend those public servants who by their performance have demonstrated complete devotion to our country. I know of no man who more clearly deserves such commendation.

Arleigh Burke: Well Done

EXTENSION OF REMARKS
OF
HON. F. EDWARD HÉBERT
OF LOUISIANA
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. HÉBERT. Mr. Speaker, I stand to pay tribute to Adm. Arleigh Burke, a devoted American, a dedicated naval officer, a gallant gentleman and a redoubtable sailor.

Shortly Admiral Burke's tenure as Chief of Naval Operations will draw to a dramatic end. His departure from the Navy will leave an unprecedented record of achievement for the Navy and for the Nation's defenses.

Admiral Burke's fame began during World War II. As a destroyer squadron commander in the South Pacific his squadron fought 22 separate engagements in 4 months during which time his ships destroyed Japanese ships and aircraft at a rate never equaled by a similar force. Noted for leading his ships into action just under boiler bursting speeds, he became known as 31-Knot Burke.

After his tour with destroyers, he became Chief of Staff to Admiral Marc Mitcher, commander of the famed 1st Carrier Task Force in the Pacific. Serving with this force for over a year, Admiral Burke was responsible for planning and executing a long series of successful offensive operations against the Japanese from New Guinea to Tokyo.

Soon after commencement of hostilities in Korea, he was named Deputy Chief of Staff to Commander, Naval Forces, Far East, and later, in July 1951, was designated a member of the United Nations truce delegation in Korea.

In August 1955, Admiral Burke, then a relatively junior two-star admiral, was selected to head the most powerful Navy in the world. Young in years, but mature in thought and vision, Admiral Burke soon proved that his selection was, indeed, a wise one, as evidenced by his reappointment to this high and responsible office in 1957 and 1959. He has given the Navy the kind of vigorous, inspired, and imaginative leadership direly needed in an era of nuclear weapons, guided missiles, and Polaris submarines. Under his guidance the Navy has kept pace with the technological revolution which has borne fruit during the past decade. Every type Navy ship from aircraft carrier to destroyer has been improved and new types developed to insure that the Navy is prepared to carry out its far-reaching responsibilities, control of the wide expanse of the seas.

During the past 5 years Admiral Burke's forces have answered the call, "Send for the Navy," in Lebanon, the Formosa Straits, and in the Caribbean. In each instance, action has been swift and decisive, demonstrating our Navy's responsiveness to the Nation's needs whenever and wherever versatile, self-sufficient forces are required.

Notable among Admiral Burke's outstanding qualities is his firm, dispassionate conviction that U.S. seapower is a positive and vital influence in maintaining peace in our time. In a recent speech he stated—

> It is of the utmost significance that we understand how important sea communications are to our very existence. Our ability without allies to control the seas underlies the whole free world system of collective security. The strength of the free world lies in its unity, its political and military unity, its capacity and its will to stand together in the face of common danger. The United States is the center of a great maritime coalition embracing 42 other nations. All of those nations entered their mutual security arrangement with us on the assumption that they were bound to us, rather than separated from us, by the seas.

Admiral Burke's services to his country have been appropriately recognized over the years. In addition to the Navy Cross, the Distinguished Service Medal with gold star, the Legion of Merit with two gold stars and oak leaf cluster (Army), the Silver Star Medal, the Commendation Ribbon, the Purple Heart Medal, the Presidential Unit Citation Ribbon with three stars, and the Navy Unit Commendation, Admiral Burke has the American Defense Service Medal, Fleet Clasp; the Asiatic-Pacific Campaign Medal with two silver stars and two bronze stars; the American Campaign Medal; World War II Victory Medal; Navy Occupation Service Medal, Europe Clasp; the National Defense Service Medal; the Philipine Liberation Ribbon; Korean Service Medal; and United National Service Medal. He also has been awarded the Ul Chi Medal and the Presidential Unit Citation by the Republic of Korea.

In the years to come the name Burke will go down in Navy history as did Jones, Farragut, Perry, Nimitz, and Halsey before him. Although he leaves his beloved Navy, the impact of his thinking, his leadership, his determination will remain in the hearts and minds of those who follow. To Admiral Burke: Well done.

Remarks of Senator Thomas J. Dodd, of Connecticut, at the Annual Westchester County Convention of the American Legion, Mamaroneck, N.Y., July 7, 1961

EXTENSION OF REMARKS
OF
HON. EDWIN B. DOOLEY
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. DOOLEY. Mr. Speaker, the Honorable THOMAS J. DODD, the distinguished Senator from Connecticut, was honored recently by the Westchester County, N.Y., American Legion convention with the Americanism Award for his contribution to the well-being of the country and for combating communism.

The Senator's remarks are cogent and timely in the extreme, and I take pride

in having them perpetuated by being imprinted in the RECORD:

REMARKS OF SENATOR THOMAS J. DODD, OF CONNECTICUT, AT THE ANNUAL WESTCHESTER COUNTY CONVENTION OF THE AMERICAN LEGION, MAMARONECK, N.Y., FRIDAY, JULY 7, 1961

I am more honored than I can say to have been invited to be with you tonight and to receive this award from the American Legion.

In an era of confused and timid voices, the American Legion has always sounded a clear, strong call for national strength, for national courage, and for national honor.

I am happy to have this opportunity to pay tribute to your great organization and to join with you on this occasion.

We are here tonight to foster what we in this country have come to call "Americanism."

I have sometimes felt that some of our friends elsewhere in the world must be a little mystified by this word. They have a strong and fervent patriotism of their own. But we never hear of Canadianism or Mexicanism or Swedenism.

To other peoples, the world "Americanism" may seem a boastful affectation, a form of chauvinism, a brash nationalism. But, of course, it is not. Americanism is a patriotism that has something necessarily unique about it, because our history has had something unique about it.

The love of country which has for centuries drawn peoples of other lands together and welded them into nations was derived from many sources, from a love of things old and familiar, family histories in a town or province which could be traced for hundreds of years, a common tongue, a common nationality, perhaps a common religion, a national literature and music and art, a consciousness of having done certain things together as a people since the days of Charlemagne and Roland.

To the peoples of Europe, then, patriotism has its roots in the past and represents a love of all the similarities and things shared in common with their countrymen.

But we in America, in the early years of our Nation, had no past. We had more differences than similarities.

Our people had no common history except that of escape from the histories of a score of other nations.

We had no common religion except a heritage of seeking religious freedom.

We had no common tongue, no common nationality, no national music or art, no folk tales, no national literature except for the political writings of our Founding Fathers.

All that we had in common, with which to mold together a nation was a new set of ideas, of attitudes, of institutions; untried, unproved, yet having the universality of expressing the ancient hopes and yearnings of mankind for a better and fuller life.

And we shared together a new, virgin continent upon which we could try out our experiment.

It is these concepts, then, none of them fully realized or perfected, yet none repudiated or abandoned, which have ever marked off this Nation; concepts that are so familiar to us that perhaps we lose sight of their revolutionary impact upon the world of the 18th century and their place at the heart of the struggle today between the forces of freedom and communism.

These concepts, briefly and inadequately expressed, are, it seems to me, the following: That the state exists to serve man and that man's liberty, his property, his family, and his individual rights are above and beyond the reach of the state; that every man should have a fair chance to succeed or to fail on his own, a square deal, a clear field; that every man should be able to speak his piece without fear or reprisal; that every man should have an equal voice in choosing those who govern him; that every man should be held innocent of wrongdoing until proved guilty; that every man should be free to worship as he pleases, or not at all, if he so pleases; that every man has the right and should have the opportunity to own property and capital and to use these, within reasonable limits, as he chooses, free from tribute to any baron or monopoly, and secure from confiscation by government; that other men from other lands, with their troubles and with their hopes, were welcome to come here to our shores and try their hand at building a new life; that the normal relationship between men was not one of artificial division, by class or by trade or by race, or by religion, or by education, but one of democratic equality, of cooperation, of equal opportunity for all, of working together to tame a continent and build a nation; that henceforth the habitual attitude of men need not be fear and foreboding but confidence and optimism; that a nation, our Nation, could conduct itself toward other lands with honor, with friendship, without aggression, without predatory designs.

These ideas are our national patrimony. They took the place of all the unifying forces which centuries of living together had provided for the peoples of other lands. They are the heart of Americanism. They are all that there is to Americanism. And we may say truly that every person who shares these ideals, wherever he may live, is in his heart an American.

These ideas generated a sense of mission which has always characterized the history of America. Americanism was not just for home consumption. It was for export. Our people believed that the power of our example would spread freedom across the globe. And our ideas did catch on, all over the world. By 1917, the American people had decided it was not enough to spread freedom by example alone, that we must defend it with our might and if need be with our blood.

We have fought two World Wars and are presently engaged in a cold war to preserve the freedom of others in the world and in so doing to preserve our own freedom.

Today we are called upon to support and sustain the forces of freedom wherever they exist in the world. All of our history has prepared us for and guided us toward this moment.

Whether or not we rise to the occasion will depend upon whether our people and our leaders understand and embrace the principles of Americanism as they have unfolded in our history.

As the principal bastion of freedom in the world, America is the principal target for Communist subversion, the first line of Communist aggression.

The investigation and exposure of these attempts at subversion in all of their many guises are matters of critical importance. Along with other Senators on the Senate Internal Security Subcommittee, I have been trying to combat the attempts of our sworn enemies to infiltrate our Government, to steal our defense secrets, and to poison the minds of our people, particularly our young people.

This task must be carried on by the FBI, by the Congress, and by other groups, and we must have the constant support of the American people. The tragic history of other nations shows us that our cause could be lost through the failure to protect ourselves against subversion.

But effective defense against subversion is not enough. For our struggle can be won only by a mighty national effort which our history now calls upon us to make, an effort to defend freedom where it exists in the world and to extend it where it does not.

I believe that the vast majority of the American people are prepared and anxious to carry those burdens and make those sacrifices which our destiny now places upon us. But two political extremes, of the right and of the left, threaten to pull us off the track.

The extreme on the right rejects those measures of domestic reform, foreign assistance, military aid and international cooperation which are necessary if we are to preserve and extend freedom.

The extreme on the left would have us abandon those outposts of freedom that are now under the guns of communism, and let down our defenses against domestic subversion.

The danger from the extreme right is, not that it conspires against America or collaborates with our foreign enemies, but that its prejudices and blindnesses may deter us from doing those things that we must do to save our country.

The danger from the extreme left is that it poisons the spiritual and philosophic well which nourishes America, it tangles up our moral guidelines, and softens up our resistance to that extension of leftism which is communism. And the danger from the left is greatly magnified by the fact that its policies so often dovetail and march hand in hand with those of the world Communist conspiracy which is sworn to destroy us.

We live in a period during which many extremists have tried to monopolize the mantle of Americanism though they have the least right of anyone anywhere to wear it. They speak with the strident voices of intolerance, of bigotry, of accusation, of boastfulness, and of hostility toward others.

They often style themselves as "100 percent Americans." But they are in fact grotesque caricatures, symbols of everything that is essentially un-American.

They proceed on the basis that a man is guilty until proved innocent, that the constitutional rights of suspected persons should be abrogated, that foreigners, foreign goods and foreign ideas should be excluded from America.

They oppose our commitments and alliances in the defense of freedom abroad. They oppose our aid to the less fortunate peoples of the world, aid intended to help these people to make some of the American dream a reality for themselves.

They are bigots. Their magazines and circulars are filled with hatred of Jews, Catholics, Negroes, and all other groups except what they like to define as "Americans."

Although this type of 100-percent American may like to drape himself in the red, white, and blue during the daytime, his uniform at night is sometimes the white sheet.

This brand of misnamed Americanism is founded upon fear, suspicion, division, and malice. These advocates, though they call themselves patriots, are tragic and contemptible examples of the fact that it is possible to live in the greatest of all nations and yet to represent everything that is hostile and inimical to the ideas which give life to that nation.

At the other extreme, we have those who are the products not of a perverted, distorted kind of loyalty, but of no loyalty at all. A small group of Americans, some of them articulate and influential in the press, the arts and the communications media, have lost that sense of mission and confidence and optimism which is an essential part of the American story.

The answers of the ultraleftists in America to the challenge of our time are weasel words justifying the abandonment of Laos, Quemoy, Formosa, Berlin, and other critical areas.

Their appeals are for disarmament without adequate inspection, for a nuclear test ban without means of detection, for abandonment of the development of crucial weapons on the theory that we can trust the Communists to also forego these developments.

They believe that the history of man is meaningless and that, therefore, the history of our country is insignificant.

They feel that there are no absolutes, that nothing is eternally true or false, right, or wrong, that nothing is fixed and changeless, that all will change and pass away.

And therefore they feel that no issue, no soil, no concept, not even freedom itself, is worth risking life to defend.

To them, patriotism is a naive, outmoded superstition of unsophisticated people, nationalism is a menace, and Americanism is a term of scorn and derision.

They see the caricature of Americanism which I have tried to describe earlier and they use it as an excuse for ignoring the reality of a true Americanism which has a just claim upon them as it has upon all of us.

They are the American imitators of Bertrand Russell and Philip Toynbee, who argue that it is preferable to surrender now to communism rather than run the risk of world war by taking those steps necessary to our defense.

The story of our country is a story of avoiding the extremes of the right and the left. We may hope with confidence that our people will continue to do so and that we will continue up the road on which we started in 1776.

Americanism, then, is that dedication which leads us to cherish what our fathers brought to the world, to defend it where it has taken root, to extend it where we reasonably can.

Americanism is our national conscience, the voice of our history, which speaks to us today and bids us: To insist on a fair chance for all and a free ride for none; to encourage all to speak their minds and to protect none from fair criticism of what he has said; to pursue the goal that no man be artificially pushed up nor arbitrarily held back; to work for the perfection of our process of free choice and for the preservation of our Federal system of limited government; to extend to the homeless refugee from tyranny the hand of welcome; to resist all appeals which seek to divide our people by race or creed or political partisanship; to support the investigation and exposure of our country's domestic and foreign enemies, and to maintain with equal zeal the integrity of those methods by which we investigate and expose; to sacrifice all that is required of us for the defense of our country; to give and give and give, of our time, of our energy, of our wealth to help the people of the world to grasp for themselves the prize of liberty and opportunity; to support our leaders when they are strong, and reprove them when they are weak; to keep ever in our hearts the words of Senator Carl Schurz "Our country * * * when right to be kept right; when wrong to be put right."

This is patriotism, this is Americanism. There are no 100-percent Americans. No one can fully qualify for that magnificent accolade.

But let us hope that there are millions of ordinary Americans who will humbly and devotedly answer their country's need, millions who will do their best in the faith that a merciful and loving and just God will do the rest.

Military Construction Set-Asides

EXTENSION OF REMARKS

OF

HON. PHIL WEAVER

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. WEAVER. Mr. Speaker, on June 16, after I had presented to the House a detailed discussion of the Small Business Administration's program of military construction set-asides for the exclusive bidding of small contractors, the distinguished journalist, Lyle C. Wilson, commented on the subject and his column appeared in the Washington Daily News. That column was reprinted in the daily RECORD by our colleague and my good friend from Nebraska [Mr. CUNNINGHAM] on June 19.

On June 29 there appeared in the "Letters to the Editor" columns of the Daily News a letter from Mr. Thomas F. Smith of Washington, D.C., president of the 18th and Columbia Road Business Association, Inc., which was sharply critical of both the column by Mr. Wilson and my own efforts in this matter. On the following day, Mr. Irving Maness, Deputy Administrator, Small Business Administration, also was in print in the same columns with a letter critical of Mr. Wilson and by implication, my efforts and the findings of the House Committee on Appropriations which had adopted language questioning the set-aside program in its report accompanying the general government matters, Department of Commerce and related agencies appropriations bill of 1962.

At this point in the RECORD I would like to include those two letters from Mr. Smith and Mr. Maness just as they appeared in the Daily News:

ONE VIEWPOINT OF SMALL BUSINESS

As a small businessman and a member of an association of small businessmen and women, I feel chagrined by Lyle C. Wilson's article on June 16, excoriating small business. Until this last election I was a Republican; but Members of Congress like PHIL WEAVER convinced me the Republicans by and large are for big business.

As I understand Government construction work, which I have been doing for 15 years, since I resigned from the Navy after 9 years of frustration, big business gets nearly all of it—about 96 percent—giving a few favored "small businesses" (actually many times larger than the average truly small business) some subcontracts.

I feel Mr. WEAVER is living in another world. He must know most of the population of Nebraska is comprised of families of small businessmen. The large farmers who feed at the Federal subsidy trough there supported Republicans—they are the large businessmen in Nebraska.

He should represent the small people, his majority, and not buy the old concocted tale that the small business association is a luxury. The recent price-fixing scandals show that the halo big business had Madison Avenue make and illuminate for it is tinsel.

The brave, independent, small businessman is competitive and survives because he can supply a good job at a reasonable price. We don't get Government subsidies—big business does. Who speaks for small business? The majority of our population. Who represents us? Only the Small Business Administration.

THOMAS F. SMITH,
President, 13th and Columbia Road Business Association, Inc.

CHALLENGES WILSON ON SBA COLUMN

Lyle C. Wilson's column, "A Complaint Against SBA," was unfair. It turned on the contention of Representative PHIL WEAVER, Republican of Nebraska, that "SBA has imposed on Government procurement officials a set-aside policy. The policy set-aside for small business Government contracts for construction work even though the bid of a small business may be substantially higher than the bid of a large business for the same job."

The article also says, "Mr. WEAVER cited places and bids in eight instances in which small business obtained contracts although larger businesses has bid at less cost" and contends that Representative WEAVER had checked with Associated General Contractors, and that "a great majority" of its 7,000 members were publicly on record as opposed to the SBA set-aside program, although 89 percent were small businesses.

"Why," Mr. Wilson asks, "does SBA impose a costly subsidy program in behalf of small businessmen who don't want the program?"

Here are a few facts:

First, the law specifically requires the Government "should aid, etc., small business concerns to preserve free enterprise, to insure that a fair proportion of the total purchases and contracts * * * including, but not limited to, contracts for maintenance, repair, and construction, be placed with small business enterprises."

Thus it is clear that SBA does not impose this program; the program is required of it, by law.

As to the set-aside program resulting in higher costs, competitive bidding is present on set-aside construction procurements, just as on set-aside purchases of property and services.

On construction contracts, very careful cost estimates are made before inviting bids. If the contracting officer considers the bids high, he may ask for withdrawal of the set-aside although I know of no case where this has been done.

Performance capability is also determined prior to contract award.

One final point: while officials of the Associated General Contractors may not be in favor of the set-aside program for construction contracts, many contractors are—including one of AGC's own branches.

For instance, the Associated General Contractors, Oklahoma City, Okla., composed largely of small business concerns, is asking that our program be extended.

We in SBA neither know of instances of construction contracts being awarded at unreasonable prices under the set-aside program, nor of any reports of poor workmanship.

IRVING MANESS,
Deputy Administrator, Small Business Administration.

Mr. Speaker, on July 11 the Daily News generously printed my own reply to the letter from Mr. Maness and on the following day a letter from our colleague, the gentleman from Nebraska [Mr. CUNNINGHAM], also was printed by that newspaper in its obvious efforts to present impartially both sides of this very important issue. I would like at this point to include these letters as they appeared in the News:

REPRESENTATIVE WEAVER GIVES HIS VIEWS ON SBA

The Deputy Administrator for the Small Business Administration, Irvin Maness, has expressed resentment over a recent column by Lyle C. Wilson. Mr. Maness quoted liberally from the article and mentions my name.

It is significant that the House Appropriations Committee is taking a long hard look at SBA's activity in subsidizing small contractors to do construction work. It is my personal opinion that if these men need to be subsidized, we would save money by simply giving them financial grants every 2 or 3 weeks so that we would not retard the progress of defense programs instead of giving economic relief under the guise of construction contracts.

The American taxpayer, whether business is large or small, expects to get the most out of his dollar. If we are to be perfectly honest, we should use the competitive bid system to get the best deal possible for the taxpayer. If we are to give relief to people, the American taxpayer should be cognizant of this and have an opportunity to give approval indirectly by voting to reelect Congressmen who would support such an economic relief for small contractors who cannot compete with those who are a little larger, medium sized, or big.

There is nothing in the law that requires SBA to set up small businessmen in business which retards the efficient building of defense projects. The power given to SBA is discretionary. In this situation I am afraid someone in SBA relishes forcing other Government agencies—primarily the Defense Department—to spend the taxpayers' dollars unwisely under the pretense of carrying out laws passed by Congress.

I am hopeful that Congress will eventually amend the act to put SBA back on the basis of doing a good job for small business people through loans to business and supervision of activities to make them a part of our free enterprise system.

PHIL WEAVER,
House of Representatives, First District, Nebraska.

SAYS LYLE WILSON WAS RIGHT AND MANESS WRONG

Irving Maness, Deputy Administrator, Small Business Administration letters (June 30), was sharply critical of an article by your respected columnist, Lyle C. Wilson.

Although Mr. Maness most certainly has a right to an opinion, I do not feel that as a top ranking official of a Federal agency he has the right to question publicly the privilege of either Congress or the press to inquire into his agency's operations.

It is not only the privilege of the Congress, but its duty, to determine how laws are functioning. It is the privilege of the people to know the findings of congressional inquiries. It is the duty of the press to furnish that information.

No nonelected official, regardless of how highly placed, has the right to challenge this process of inquiry and information, particularly so when his challenge is based on a misstatement of fact.

In his closing paragraph Mr. Maness states, "We in SBA neither know of construction contracts being awarded at unreasonable prices under the set-aside program, nor of any reports of poor workmanship."

Mr. Maness could have obtained this knowledge from the same source that Mr. Wilson used, page 10170 of the CONGRESSIONAL RECORD of June 13. A table there cites eight specific examples of cost increase ranging from 2 to 83 percent.

Mr. Maness certainly should be better informed on what is going on in his own agency.

Representative G. CUNNINGHAM.

I would like to add a further observation, Mr. Speaker, and that concerns the validity of some of the statements made by Mr. Maness. I would like to point out that the Administrator of Small Business was questioned at considerable length when he appeared before the Subcommittee on General Government Matters, Department of Commerce appropriations. Not only that, he was given the opportunity by the chairman to place in the record of those hearings detailed replies to questions asked him about this matter.

Apparently those studied replies did not wholly satisfy the committee because it later adopted the language which appears on page 15 of the report.

All of these facts should have been fully known to Mr. Maness and others at SBA.

Address by Hon. Ray J. Madden, of Indiana, at Chicago, Ill., on Captive Nations Week

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EXTENSION OF REMARKS
OF

HON. DANIEL D. ROSTENKOWSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. ROSTENKOWSKI. Mr. Speaker, under leave to extend my remarks in the RECORD, I would like to include a speech delivered by our colleague Congressman RAY MADDEN at Grant Park, city of Chicago, on Sunday, July 16, observing Captive Nations Week.

The following is the text of Mr. MADDEN'S speech:

SPEECH OF RAY J. MADDEN, OF INDIANA, AT GRANT PARK, CHICAGO, ILL., JULY 16, 1961, ON CAPTIVE NATIONS WEEK, SPONSORED BY THE PRIVATE CITIZENS COMMITTEE APPOINTED BY MAYOR DALEY

This day, July 16, 1961, is being commemorated by the Private Citizens Committee appointed by Mayor Daley as Captive Nations Day. What is said at this great gathering will remind millions in America and throughout the world that enslaved people in the nations captured by the Communists have not now or will not in the future permanently submit to Soviet tyranny and enslavement. The Congress of the United States was right when it proclaimed and authorized the captive nations resolution 2 years ago this July. One of the principal provisions in that resolution was that the enslavement of millions in European satellite nations makes a mockery of the Communist idea of peaceful coexistence.

The unanimous enactment by the Congress of the captive nations resolution was one of the most devastating diplomatic acts that the free nations have taken against the Communist conspirators since World War II. This resolution called the attention of millions throughout Europe, Asia, South America, and the free world that the Soviets, through duplicity, infiltration, and unlawful aggression, forced many small European nations into the Communist orbit.

Over the years the Communist planners have succeeded in creating a myth or an illusion with reference to peaceful coexistence. The idea that the only alternative for peaceful coexistence is war should be exposed as an international sham based on clever Soviet propaganda. In the past, our Nation and the free world has utterly failed to use its numerous peaceful pressures which are available and concerning which the Soviet tyrants are highly vulnerable.

When Khrushchev and his lieutenants talk about peaceful coexistence they mean the free world must underwrite communism and Soviet world aggression.

When Khrushchev talks about peace through disarmament, we must remember that this is merely a shallow Communist slogan. Disarmament means that the free world must depend on agreements instead of strength. International agreements are useless unless both parties are honest and sincere. We must, to be safe, judge the future by the past. For 30 years the Soviets have broken 50 out of 52 agreements with free world nations.

Under a disarmament agreement, any government with criminal intentions could scrap the agreement at any time and, with armament and space missiles, conquer its enemy in a flash war. It was this strategy used by Hitler, Mussolini, and the Japs that launched us into World War II. A disarmament agreement with the Soviets is unthinkable. Khrushchev and his lieutenants dare not disarm. Regardless of the possibility of a world war, these tyrants must retain their mammoth military force of 5 or 6 million soldiers and secret police to maintain slavery and tyranny behind the Iron Curtain. Our Nation should have learned by now that weak armament and defense did not bring peace in 1917 or in 1941 at Pearl Harbor or in 1950 in Korea. Let us profit by these lessons in history. Disarmament is not the message of peace and freedom, but the propaganda of the Soviet aggressors.

OUR GREATEST AND CHEAPEST DEFENSE

Our Government should perfect a well organized department to disseminate truth and information, not only to the free world, but also to the people behind the Iron Curtain. True facts and information about communism, its methods and history sent to the neutral and backward nations throughout the globe, is the cheapest and most effective weapon we can use to curtail and eventually destroy communism.

TWO CONGRESSIONAL COMMITTEES

In addition to the captive nations resolution of 2 years ago, the 82d Congress 10 years ago authorized a resolution creating the Katyn Forest Massacre Committee and in the 83d Congress, authorized the Special Congressional Committee on Communist Aggression. These two committees, by holding hearings in Europe and America and hearing the testimony of approximately 400 witnesses, accomplished more to expose communism in its true light to millions throughout the world than anything that has been done since Karl Marx. Press, radio, and television carried the reports of these hearings throughout the globe. The unfortunate aftermath of these two great congressional committees has been that neither the Congress nor the United Nations saw fit to follow up their findings and officially and publicly brand Stalin, Khrushchev, and other conspirators as unworthy of serious consideration in the halls of the United Nations or other legislative bodies in the free world.

Our State Department 10 years ago, exerted every possible influence to submerge and play down the findings in the reports filed with the Congress of the United States by these two special congressional committees. Had our Government assumed the offensive propagandawise at that time, Stalin and Khrushchev would have been on the defensive in explaining to the millions in Africa, Asia, South America, Cuba, and other so-called neutrals, their unlawful criminal records as were exposed by the numerous witnesses who appeared before these two congressional committees. Unfortunately, during and since World War II, our State Department apparently has been operating on the premise that Russia will eventually be a peace-loving nation and on the assumption that permanent alliance will work out between the United States and the Soviet Union. We should realize by now that this premise has been and is a regrettable diplomatic blunder on the part of the free world.

THE UNITED NATIONS

The time has been too long delayed for our leaders in the United Nations to place Khrushchev on the defensive.

Our State Department should instruct Ambassador Stevenson at the next session of

the United Nations to again bring up the violations of the Soviets of article II of the United Nations Charter. The Soviet Union vetoed the United Nations' attempt to censure Russia following her invasion of Hungary. The Soviet Union vetoed our attempt to have an investigation of the killing of four American aviators on the RB–47 in 1960. These are only two of the long list of atrocities committed by Soviet leaders in violation of the Charter of the United Nations. In Hungary, Africa, East Germany, Poland, Lithuania, the Balkans, South America, Cuba, and other states, the Soviets have violated the Charter of the United Nations continually. It is high time that a drive be made in the United Nations by the representatives of the free world nations to turn back to the original intent of the United Nations Charter—that Charter specifically restricts membership to peace-loving nations. It is high time that if the Communist leaders continue to violate the United Nations Charter by fomenting attacks on smaller nations and infiltrating free nations with agitators and spies, they should be isolated from the free world and suspended from participating in United Nations proceedings until they agree to abide by the United Nations Charter.

Lenin, over 40 years ago, said that the Communists must do everything possible to avoid being outlawed internationally and domestically. He stated that when the whole Communist Party is outlawed, it is almost wholly paralyzed because it can no longer send into the surrounding countries and communities infiltrators and propaganda whereby it could spread its toxins and dissensions from which it draws its strength of life. Economic isolation by the free world would curtail and destroy communism in a short number of years. That is why the Soviet leaders are constantly pleading for free trade, long-term loans and the importation of material and goods from the West. It is time for the free world to get on the initiative instead of the defensive and exploit the constant failures of the Communist economy. It is almost unbelievable for freedom fighters and organizations behind the Iron Curtain who depend on the free world for help, to watch the slipping Communist economy being bolstered, supplied and fed by over 30 Western nations.

A Polish refugee in my office a couple of years ago, stated that the people behind the Iron Curtain could not understand why the Western leaders cannot realize that the Communist leaders could not survive long if the West would stop feeding, fondling, and coddling them. I read where one British statesman made the remark that "you never fight with the people you trade with." Apparently they cannot remember a little over 20 years ago the shiploads of scrap iron, oil, and other materials we sent to Japan immediately before Pearl Harbor. We should realize by now that trade with friends promotes peace, but trade with a threatening enemy is an act of self-destruction. When the Western Powers realize that by clamping a total trade embargo on the Communist empire and then deporting their spies and infiltrators, the Communist leaders will eventually collapse and the Iron Curtain freedom fighters can once more surge with hope. Not until then will the captive nations resolution which we are commemorating today mean what the Congress intended.

The Communist conspiracy has been allowed to run rampant until it has gained control over one-third of mankind and it is steadily pursuing its vicious goal of control over the rest of the world. It is time now and past time for us to be alarmed and take the initiative propagandawise and place these international criminals on the defensive.

HOPE FOR FUTURE

According to authentic reports from over the world, all is not well in the Communist world. Khrushchev is in deep trouble. Food is scarce everywhere in the Communist empire. Colonies in Eastern Europe are not happy. Embezzlement and lawlessness is rampant in Russia and its satellites. Khrushchev's farm program is one of the most wasteful experiments in economic history. Six hundred million hungry Chinese are looking toward the wide open spaces in Siberia for future habitation and this worries the Soviet Communists. Very few of the inhabitants of the Soviet captive nations have any use for communism. Signs indicate from month to month that China's Mao and Soviet's Khrushchev are at odds on many issues and problems. These facts, along with world history recording that no tyrant or group of tyrants ever ruled long by slave labor camps, mass murders, prison camps, executions, threats, tortures, and fear. These reports offer some hope for the millions now living in Communist captive nations.

After World War II, communism was strong in Latin America. Today our sister nations to the south are infiltrated with Soviet propaganda, technicians, scientists, and agitators. Today the Soviets have a beachhead within 90 miles of the Florida coast and are training expert propagandists to fan out over the nations of South America to preach communism and smear the United States before the free nations of the world. In Cuba today, the same blueprint is being used that dozens and dozens of witnesses warned us against who testified before the two congressional committees 10 years ago in the 82d and 83d Congresses. The same strategy and method of infiltration and conquest was used in Cuba that was used in Poland, Hungary, Romania, Lithuania, the Balkans, and other captive nations.

THE MONROE DOCTRINE

It is now time that we call back the spirit of some of the heroic American leaders of the past. We must meet the Communist threat today not with coexistence and complacency, but with the spirit of President Monroe back in 1823 when our Nation announced the Monroe Doctrine. That policy forbade sovereigns or monarchies of Europe to subjugate and colonize nations in the Western Hemisphere. The Monroe Doctrine contained these words, and I quote:

"The American continents, by the free and independent condition which they have assumed and maintained, are henceforth not to be considered for further colonization by any European power."

That doctrine has been held forth and been enforced up until the Soviet tyranny infiltrated and took over Cuba. Every word of that doctrine is as applicable today as it was 137 years ago. If a century and a half ago the European monarchies were different than our American system of representative government, it is even more true today that the Communist system is totally different from our free way of life.

We should take our stand on the Monroe Doctrine and present it to the United Nations in declaring that any attempt on the part of the Communist conspiracy to extend their system to the Western Hemisphere violates the provisions of the Monroe Doctrine. We are further fortified in this move because in recent years the principles of the Monroe Doctrine have been strengthened by joint agreements among the North and South American nations.

You people assembled here today can do your part by persuading our State Department and our delegates to the United Nations to take an immediate offensive under the Monroe Doctrine as to Cuba and the infiltration of communism in the nations south of our border. You can tell your government that we are willing to sacrifice our time and money in exchange for an impregnable defense. We can tell our Government to keep the flame of freedom burning in the souls of the oppressed behind the Iron Curtain. We can tell our Government to spread the truth concerning communism in all languages throughout the nations of the globe. The millions of people in South America, Africa, and Asia who are living in poverty should know that Communist domination will bring them nothing but enslavement, mentally, religiously, and physically.

In this dark hour, the fate of the world rests largely in the hands of the people of the United States. We who live in this rich land, have the opportunity, the responsibility, and the solemn obligation to stand firm for freedom, justice, and the elimination of the tyrannical government everywhere on the face of the globe.

Patriotism, Old Fashioned?

EXTENSION OF REMARKS
OF
HON. GORDON H. SCHERER
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. SCHERER. Mr. Speaker, under unanimous consent, I include in the CONGRESSIONAL RECORD a speech I made to the Cincinnati Chapter of the Daughters of the American Revolution at its annual observance of Flag Day on June 10, 1961:

PATRIOTISM, OLD FASHIONED?

The fact that we meet here today to pay respect to the flag of our country and what it represents would have been applauded when I was a boy by all Americans. Today, however, there is a fast-growing, cynical segment of the populace which scorns and scoffs at any mention of patriotism.

To them, patriotism is old fashioned. To them, any show of reverence or respect for the flag is a display of childish emotionalism, unless it happens to be the banner of the United Nations. To them, Americanism is not even secondary to one-worldism. To them, the American heritage and basic constitutional rights should be chipped away when welfare-statism or political expediency demands.

The fact is that the so-called executive agreements, made in violation of the Constitution at Potsdam, Teheran, and other summit conferences, many provisions of which are still kept secret, are in a great measure responsible for the precarious position in which the United States finds itself today. These circumventers of the Constitution just last week pushed for more secret executive agreements at Paris and Vienna—agreements that are actually treaties and, under the Constitution, require ratification by the Senate of the United States. The long-established policy of "open covenants, openly arrived at" has also become old fashioned and has been relegated to the junkyard.

Almost anyone who is an active member of one or more of our fast-waning patriotic organizations, who believes that Flag Day, Memorial Day, and the Fourth of July should mean more than just another day of recreation away from the job, free from the cares and concerns of a nation that is presently engaged in a war for survival with international communism, is cynically and derisively called a flag waver by the leftwing in this country.

One automatically is scornfully tagged as a "superpatriot" by our friends in the ACLU and other leftwing groups when he argues

that the safety and security of 180 million Americans—yes, their very survival—is just as important as the rights of the Communists in this country and those who consistently front for them, and that, when these respective rights are in direct conflict and a choice becomes necessary, the security of 180 million Americans must prevail.

One is contemptuously branded a superpatriot, witch hunter, and even Fascist when he questions the propriety of a U.S. Senator lending the prestige of the U.S. Senate to the Emergency Civil Liberties Committee, the most notorious and dangerous Communist dominated and controlled organization in the United States—an organization whose chairman is an identified Communist presently under indictment for failure to answer questions concerning his Communist activities—an organization whose west coast executive director is now serving time, after the Supreme Court affirmed his conviction for refusal to answer concerning his Communist activities—an organization whose objectives are the discrediting of J. Edgar Hoover, the weakening of the Federal Bureau of Investigation, the abolition of the House Committee on Un-American Activities and the Senate Subcommittee on Internal Security, and the repeal of the Smith Act, the Internal Security Act, the Communist Control Act, and other security measures.

One immediately becomes a puffed-up patriot and is put on the defensive by these pseudointellectuals when he believes that students who want money from their Government under the National Defense Education Act or from the National Science Foundation should affirmatively acknowledge their loyalty to the Government of the United States and disclaim membership in any organization advocating its overthrow. One is scoffed at by this group as immature when he argues that the National Defense Education Act, as its name implies, was created in the interests of national defense and, therefore, it seems proper that every safeguard should be taken that such an act is not used by those who are, to say the least, indifferent or lukewarm to our national interests or sympathetic to the aims and objectives of the Communist conspiracy which the act was set up to defeat.

One is charged with being a fuzzy thinker when he asks these anti-loyalty-oath people why they oppose loyalty oaths when they so readily sanction every public official from dogcatcher to President taking an oath to support and defend the Constitution of the United States. No one objects to a boy who is drafted into the armed services being required to swear allegiance to the United States and to defend it against all enemies, foreign and domestic, with his life if need be.

These people raise no objection to taking an oath when joining a fraternal organization. Somehow we hear no complaint from certain professors and certain members of the clergy when a person joining the church of his choice is required to most solemnly acknowledge his adherence to the tenets of that particular religious faith. We still feel that it is perfectly all right when two persons are united in wedlock for them in a most sacred ceremony to take vows of dedication and loyalty to each other.

Doesn't it seem passing strange that this great furor has arisen over the swearing of loyalty to this great country of ours, particularly when one is asking for something from it and not what he can do for it?

As Paul Harvey said:

"Today the reds and pinks are out in the open, proclaiming their godless religion and waving a red flag or a mongrel one from the rooftops, and with such effectiveness and in such high places, that American patriots are now on the defensive.

"Today the loyal American is being defamed, demoted, discharged, destroyed if he militantly defends the American 'ism' against all its enemies, foreign and domestic."

Let's look at one recent example which sustains Paul Harvey's timely charge.

General Walker is a West Point graduate with a long and enviable record of service in the Army of the United States and the recipient of many decorations. Less than 60 days ago President Kennedy yanked his command out from under him on the advice of the leftwing professors and ADA'ers who don't want to make Khrushchev unhappy. They acted on the word of the slime-mongering, girlie-stripping, leftwing scandal sheet called the Overseas Weekly, once banned by our Army as unfit for American servicemen.

General Walker was embarrassed, suspended, and may be disgraced because, as an authority on the Communist conspiracy, he had brought to the attention of his troops publications which would help them understand a new weapon of warfare, one with which most of them were unfamiliar, namely, the insidious and diabolical weapon of infiltration and subversion.

As Paul Harvey said:

"That Overseas Weekly rag launched a tirade of abuse, alleging General Walker was brainwashing the men of his command, consorting with superpatriots, and recommending publications of the John Birch Society."

It is significant that that leftwing crowd who feel that Flag Day celebrations are for juvenile minds throw up their hands in horror at a little pro-American propaganda and do a little book burning of their own, and at the same time yell like stuck pigs when the Committee on Un-American Activities attempts to have 10 million pieces of dirty, vicious, Communist propaganda, coming into this country each year through the U.S. mail, comply with the law by being properly labeled. Let me tell you about it.

The Foreign Agents' Registration Act, passed originally way back in 1938, required that all foreign political propaganda be labeled as such so that the people receiving it might know its source and thus be able more intelligently to evaluate its contents when they read it. This law is somewhat analogous to that provision of the Pure Food and Drug Act which requires that containers of certain foods and medicines be labeled as to content so that a person may know what he is putting into his stomach. In these days of crisis, it should be obvious that the mind is just as important as the stomach.

In the last few years the Communists have developed new techniques and stratagems in order to evade this Foreign Agents' Registration Act. This concealed poison for the mind, in 11 different languages, is coming into this country in millions of dirty propaganda sheets, unlabeled and unmarked. It should be pointed out that the Committee on Un-American Activities is not trying to stop this propaganda or censor it because under the first amendment of our Constitution this cannot be done. All that the committee is trying to do is to plug up the loopholes in the law which the Communist propaganda machine is using to evade the clear intent and purpose of the law.

Yet those who know better, like the leftwing Washington Post, are charging that the committee is trying to create censorship for the American people, trying to deprive them of scientific and cultural literature from the Iron Curtain countries.

Let's see how uplifting, cultural, and scientific some of this unlabeled literature is—literature which is sent unsolicited to millions of Americans whose addresses have been surreptitiously obtained by the Communist apparatus operating within the United States. Here is a highly cultural and elevating treatise, thousands of which have been distributed not only in the United States but also in most of the countries of the free world. It is part of the evidence taken from the mail sacks during the hearings of our committee in Buffalo. It was printed in Communist China in 1958. It is entitled "Data on Atrocities of U.S. Army in South Korea." Here are a few choice, high-level quotes:

"From the very first day of their occupation, the American imperialists have been trying hard to convert South Korea into a project for squeezing out maximum profit for the millionaires of Wall Street and an outpost for their aggression of the Asian Continent."

A little farther on:

"The American imperialists since 1950 have committed atrocities unprecedented in the history of mankind in their aggressive war in Korea. They have massacred at random innocent people in Korea. They have destroyed and pillaged more than 5,000 schools, 1,000 hospitals and clinics."

Again:

"In October 1950, the American soldiers arrested Kim Bu Ing, a dockworker in Inchon, for the only reason that she was a member of the Women's Union. After violating and torturing her by every means, they stripped her naked, burnt her with a heated iron poker and then killed her."

On another page we find this:

"That same month, the American soldiers arrested a peasant only because he was a model farmer, passed wire through his nose and ears, pierced his hands with a bayonet, nailed the words 'model farmer' on his forehead and dragged him around the village before they killed him."

This highly cultural periodical then proceeds to tell what the American soldiers allegedly did to this farmer's daughter-in-law. It is so heinous, vile, and filthy that I am unable to quote what it says.

As late as February 25, 1958, it is alleged that: "U.S. soldiers beat a Korean boy, aged 13, and stabbed with a knife his legs and arms on the false charge of theft. The boy was put into a box, the lid was nailed down, it was loaded into a helicopter which took the box north of Seoul where the cargo was dumped, and the boy left to die."

This piece of lying propaganda contains accounts of hundreds of other similar alleged atrocities. Being unmarked and unlabeled, people reading it after it was distributed by members of the Communist Party in the United States would have no knowledge whatsoever of the fact that it came from the propaganda mills of Red China, particularly since most of the editions were printed in English.

You can readily understand why members of the Committee on Un-American Activities, both Democrats and Republicans alike, were shocked beyond belief when the President, yielding to the pressures of those who follow the philosophy that we should not make Khrushchev mad, issued an Executive order directing that millions of pieces of propaganda from behind the Iron Curtain, which had been held up by U.S. postal and customs authorities because of clear violations of the Foreign Agents' Registration Act, should be forwarded to addressees throughout the United States.

Of course, some of us superpatriots were equally shocked when we learned from authoritative sources that Communist Poland is to receive a big chunk of American giveaway dollars despite recent developments showing that this Red nation is as closely alined to the Kremlin as ever. Furthermore, the Communist-controlled government of Poland has recently sent $13 million in aid to Castro's Cuba and has pledged more

if necessary. In effect, we will be giving dollars through Communist Poland to Castro, in addition to tractors. This does not make sense.

Of course, Castro is going to get more help the same way. Under the terms of the administration bill which has already passed the Senate, the administration will be in a position to give aid to Communist Czechoslovakia. This Communist satellite has sent Cuba millions of dollars worth of military equipment—firearms, tanks, planes, and ammunition. As late as May 9, the Czech Ambassador to Havana informed Cuban military leaders that further aid would be forthcoming. He announced also that Czech soldiers would be sent to Cuba if needed by the Castro army.

Of course, this should not surprise anyone. Harvard is now running the Federal bureaucracy. Recently a group of Harvard professors signed a soft-on-Castro ad in the New York Times. Seventy-seven Cuban professors in exile answered these Harvard eggheads. They said: "Twenty-three years after Munich, the same policy of appeasement followed toward Hitler, which led to war and destruction, is now being advocated toward totalitarian communism by a group of North American professors."

The super or puffed-up patriots were shocked when the previous Republican administration appointed Dr. James R. Killian as its scientific adviser. They were shocked again last month when President Kennedy appointed Killian to head a permanent Presidential board that will look into the operations of our Central Intelligence Agency which have been questioned since the Cuban debacle.

Perhaps an editorial from the Manchester Union Leader, entitled "Crazier and Crazier," will give you some idea of why we were shocked at the Killian assignments. Listen to the editorial:

"Just to show how crazy and how lacking in knowledge of the Communist problem we are in this country, we present to you the following facts about Dr. Killian:

"1. In 1947 he opposed a State un-American activities committee and a Massachusetts attorney general's list of subversive organizations.

"2. In 1948 he opposed Massachusetts legislation to bar Communists from teaching.

"3. When J. Robert Oppenheimer was accused of being a security risk, Dr. Killian went out of his way to defend him.

"4. As Ike's chief scientific adviser, he favored scientific opinions of those who are considered extremely naive about communism, such as Dr. Hans Bethe of Cornell University. In the May 8, 1958, New York Times, Columnist James Reston claimed U.S. action on nuclear testing would be largely determined by Killian. A few months later, in September, the United States halted its nuclear testing program.

"5. When he was president of Massachusetts Institute of Technology, Killian suspended Prof. Dirk J. Struik when the latter was indicted by the State of Massachusetts for sedition. When Struik's indictment was dropped, after the Supreme Court decision that States had no authority in cases of sedition, Killian hired him back, although Struik had used the fifth amendment.

"The finishing touch on the picture is given by the fact that Cyrus Eaton, writing in the Communist New Times of September 1958, said he was glad that Killian was in the Government because he is a 'positive man, his voice is pitched for peace.' "

The editorial concluded: "How in the name of anything that makes sense could President Kennedy appoint such a man with such a record to be our main watchdog over the efficiency of our intelligence?"

The very day after that editorial Dr. Killian served as moderator of a religious convention which adopted a resolution urging the abolition of both the House Committee on Un-American Activities and the Senate Subcommittee on Internal Security. Another resolution over which Killian moderated called for a positive stand against U.S. military intervention in Cuba, and a third called for continuing negotiations for a nuclear test ban treaty.

Everyone knows that these test ban negotiations are being purposely filibustered by the Soviets at Geneva because, prior to and during these negotiations, the United States has lost more than 2 years of valuable experimentation and testing of nuclear weapons. These weapons are our only hope of keeping the military strength of this country and the Soviet Union and Red China relatively on a par, since in manpower we are simply overwhelmed. There is strong evidence that, while the United States has voluntarily banned such testing during these phony negotiations, the Communists secretly in Siberia have been going forward with tests. Haven't we learned that the Communists when making a treaty never intend to keep it if it suits their purpose in their drive for world domination to do otherwise?

They have flagrantly violated almost all of the 1,000 treaties and agreements they have made with countries of the free world. They have kept only a handful which suited their purpose.

Do we have to be buried (as Khrushchev promised) before we wake up? The Communists have said time and time again that there can no more be sincere diplomacy than there can be dry water. Don't we realize yet that we have been burned at every summit conference, whether it is a Republican or Democratic President who humiliates himself and the Nation in continuing to deal with men in whom there is no truth, no morality, and no God, and who, as I said, use such meetings only for lying, vicious propaganda to advance world domination by international communism.

People behind the Iron Curtain who are our secret allies, who would gladly throw off their Communist masters if they could, who look to the West for possible liberation someday, are discouraged, disheartened, and dismayed when we negotiate with or appease their enslavers. They are cognizant of the fact that, when we negotiate, the West admits and recognizes that the Communists are the complete masters of the Iron Curtain countries they now control and that our negotiations attempt to deal only with current and future aggressions by the Communists.

Now why do we do these things? Why do those who support the intense and almost fanatical national aspirations of the so-called emerging countries of the world snicker at and downgrade our national interests, our national aspirations, and the American heritage?

Why are those who feel that we cannot carry the burdens of the whole world on our back and at the same time retain the solvency and stability of the United States, so that it can effectively meet the threat of international communism, called provincial, narrowminded, and isolationist?

Why are we as a nation which has never sought 1 inch of territory and has given of our substance all over the world in the vain hope that we might be popular, afraid to courageously assert our rightful place as the leader of the West? Why are we always fearful that some little pipsqueak agent of the Kremlin like Castro or the leaders of a dozen other countries that I can think of—why are we fearful that they might charge us with imperialism or threaten to join up with Khrushchev and company unless we hand them a few more million dollars, even though we are broke?

I will tell you why.

It is because the great majority of the American people, including most of the leadership in this country, are unaware or will not admit that world war III has already started, and that we are totally ignorant of the Communist master plan for conquest.

As I have often said, in my opinion we are not going to have an all-out nuclear war. That does not mean that we are not already engaged in a war whose final results could be more devastating to man and his freedom. As I have pointed out in the past, the firepower of the East and the West is equally balanced and neither side is going to risk the total destruction of their cities and particularly not the Communists. Look how far they have come in the short space of 40 years by the use of a new weapon of warfare called indirect aggression, namely, infiltration and subversion. From a handful of Communists who took over Russia in 1918, they have expanded until they now dominate more than one-third of the land mass of the world and one-third of its people and are steadily daily moving forward.

Cuba, 90 miles from our shore, is as much Communist dominated as is Moscow. If the Soviet Army, Navy, and Air Force had attempted to take Cuba by force, you and I know they would have never succeeded, and they know it too. Yet, as I have said, Cuba today is in enemy hands because Communists used a new weapon, infiltration and subversion. It was Moscow and Peking that directed the phony Castro agrarian rebellion which our State Department apparently fell for in spite of the fact that Castro's and his brother's long records as Communists were known or should have been known by those on the inside.

You can see why I say that this new weapon is and can be more effective than guns or missiles.

Edward Hunter, one of the outstanding authorities in the world on Communist psychological warfare, testified before the House Committee on Un-American Activities some time ago. Hunter, a journalist who served in the OSS, lived outside the United States for more than 30 years in countries that have been under Communist pressure and attack. Out of the wealth of his experience, he said: "War has changed its form. The Communists have discovered that a man killed by a bullet is useless. He can dig no coal. They have found that a demolished city is useless. Its mills produce no cloth."

Hunter continued: "The objective of modern warfare is to capture intact the minds of the people and their possessions so that they can be put to use. This," he said, "is the modern conception of slavery that puts all others into the kindergarten age."

All is not black. After 11 long years of litigation and adverse decisions, the Supreme Court this week finally upheld in part the Internal Security Act of 1950 and the Smith Act by a 5-to-4 decision, with our own Potter Stewart—thank God—being one of the majority.

It is now a crime for a person to knowingly be a member of an organization that teaches and advocates the overthrow of the Government of the United States by force and violence.

Last Monday the Supreme Court also upheld the constitutionality of the Internal Security Act. Communist-action organizations and Communist-front organizations will now be compelled to file with the Attorney General the names of their officers and members and give other information concerning finances, etc.

It must be remembered that it was the Committee on Un-American Activities which, after extensive hearings, was responsible for the Internal Security Act of 1950, containing many provisions, too numerous for me to discuss here today, which place in the

hands of our security officials the tools which will enable us to deal more effectively with the Communist conspiracy as it seeks to destroy us from within. The action of the Court this week places the stamp of a lie on the charge made by the leftwing contingent in this country (which includes our ACLU friends) that the Committee on Un-American Activities serves no legislative purpose but exists only for the purpose of exposure.

In an article in the January issue of Reader's Digest, written by Max Eastman and Eugene Lyons, they say:

"The Communists are scoring victories in world war III because they know they are in it. The third world war was not openly declared by the Communists in 1946. Nor was a state of war recognized by the West. If it had been, probably none of the positions forfeited since then would have been abandoned without determined resistance. That we are still not conscious of having suffered defeats does not make our appalling defeats less real.

"Inexorably, bit by bit, by indirect aggression, more pieces of the free world are lost. To the Communists, what we call peace is merely war conducted by other than military means."

This kind of war promises the Communists ultimate victory, no matter how protracted it may be. Delays are inevitable, defeats are taken in their stride, because, to them, the final outcome is sure.

The Communists see weapons where the West sees only the instruments of human aspiration or of peaceful international relations. The United Nations, for example, from its very beginning has been regarded by the Communists as a weapon. Thus also, diplomacy, science, journalism, art, finance, economics are used by the Communists as weapons; all of them, together with propaganda, espionage, sabotage, subversion, are closely integrated in their foreign policy.

As an example, at this very moment a Red diplomat in a Latin American capital is passing money or propaganda to a local Communist leader. Brought from the Kremlin by diplomatic pouch, the funds will be used to finance an anti-Yanqui riot, to infiltrate a student organization, to help control a key trade union. Both men know they will get results, because they have had years of instruction in underground activity—the diplomat in Moscow, the local comrade in Prague.

This and similar incidents are happening all over the world, day in and day out, and those who say, "Yes, in other countries but not in the United States," are living in a fool's paradise.

And yet today, while we spend billions for military hardware, we are unwilling to spend more than a pittance to fight internal subversion nor are we willing to use the techniques and measures required if we are to successfully win this so-called cold war. Furthermore, there are many well-intentioned people, and some not so well intentioned, who want to destroy the two agencies in Government that deal with this menace, namely, the Federal Bureau of Investigation in the executive branch, and the House Committee on Un-American Activities and its counterpart, the Senate Internal Security Subcommittee, in the legislative branch.

If we clearly understood all these things, then the American people would demand an end to much of this foolishness. There would be a tremendous resurgence of patriotism, of intense nationalism and note I did not say "isolationism."

We would put an end to this chipping away of constitutional government. We would stop the deterioration of the fiscal stability of this country by profligate spending. We would drive from public office and from positions of influence and power those who are soft toward communism or ignorant of its objectives, both abroad and at home. We would once again think and act like Americans.

The sob sisters and do-gooders who want to cure all of the poverty and ills of the world with mustard plasters of American dollars perhaps someday will finally come to realize that the only hope for the so-called underprivileged peoples of the world is a strong, healthy, financially stable, patriotically and spiritually motivated United States of America, an America which is able to withstand the onslaughts of Communist aggression, either direct or indirect. Because if we do not, no one else can stop the Kremlin.

By our strength, by our leadership, by our tough, uncompromising position toward every facet of atheistic communism, and not by appeasement, humiliating negotiations, or coexistence with it, will we assure the survival of the United States and the other peoples of the world.

Good Counsel Knows No Age

EXTENSION OF REMARKS
OF
HON. WALT HORAN
OF WASHINGTON
IN THE HOUSE OF REPRESENTATIVES
Wednesday, July 19, 1961

Mr. HORAN. Mr. Speaker, under permission granted to me to extend my own remarks in the CONGRESSIONAL RECORD, I wish to discuss the subject of governmental spending and the great need for close scrutiny of all justifications for the expenditures of the people's money and the use of the people's credit.

GOOD COUNSEL KNOWS NO AGE

I place economy among the first and most important virtues, and public debt as the greatest of dangers to be feared. * * * To preserve our independence, we must not let our rulers load us with perpetual debt. * * * We must make our choice between economy and liberty or profusion and servitude. * * * If we run into such debts, we must be taxed in our meat and drink, in our necessities and our comforts, in our labors and in our amusements. * * * If we can prevent the Government from wasting the labors of the people, under the pretense of caring for them, they will be happy.—THOMAS JEFFERSON.

THE PARTY OF JEFFERSON

While Jefferson called the political forces that elected him President, Republicans, they soon were known as Democratic Republicans and, finally, Democrats. Before the Civil War they elected 8 of the 15 Presidents.

Generally they favored a strict construction of the Constitution, sharp limitations of Federal powers, a broad interpretation of the reserved rights of the States, and a low tariff policy, primarily for revenue purposes.

Lincoln, who succeeded Democrat Buchanan, was elected by the Republican Party which was organized in 1854. Part of its political ancestry was the Federalist Party which espoused a liberal construction of the Constitution, particularly relative to Federal power; specie payments; the maintenance of a gold standard; the retention of acquired territory; a protective tariff system and, until World War II, resistance to entangling alliances. The prime movers in 1854 were the "Free Soilers" who opposed the extension of slavery into new territory.

HOW TIMES HAVE CHANGED

Today the Democrats have become "Federalists" and Federal power has enormously increased. But it is costly to the point of fiscal danger.

This was brought sharply to our attention recently when Secretary of the Treasury Douglas Dillon testified that he expected a $3 billion deficit in the fiscal year just ended. He admitted that $2.3 billion of this deficit was the result of the increased spending policies of the New Frontier. The Kennedy administration has been spending $650,000 per hour more than its revenue, 24 hours a day for every day it has been in office. This increased cost is the result of accelerated spending under old programs as well as the inauguration of many new Federal aid programs under the New Frontier.

In just 4 months, instead of reducing the number of Government employees, this administration has been building up an ever-expanding bureaucracy. During the first 4 months in which President Kennedy has been in office he has added 33,445 additional Federal employees. This covers the period from January to May 31. The June figures are not yet available. But during these first 4 months additional employees were put on the Government payroll at the rate of over 8,000 per month. This is 2,000 per week, or 400 per day for every working day of a 5-day week.

Every day the executive offices have been open under the Kennedy administration, additional Government employees have been added at a rate of more than 4 every 5 minutes.

A SOUND DOLLAR

The 1939 dollar has plummeted to a value of 43.9 cents today. We are in a maelstrom of vicious circles and should be wary of loose policies which cost money and are of doubtful value.

I am indebted to the Bureau of the Census for the following table, the merits of which can be endlessly debated, but which indicates an alarming trend. This table discloses the average amounts of individual incomes collected from local, State, and Federal taxes. It is somewhat misleading because it does not indicate, of course, the growing increases in taxes to people in the United States who have venture capital on which natural and normal national growth should be predicated.

Total per capita revenue

Date	State and local	Federal	Total
1902	$10.86	[1] $6.48	$17.34
1913	16.55	[2] 6.81	23.36
1922	36.49	30.63	67.12
1927	51.13	26.26	79.39
1932	49.88	14.52	64.40
1936	52.33	30.31	82.64
1940	36.92	59.11	96.03
1942	63.24	90.94	154.18
1948 (war impact)	90.99	258.31	349.30
1952	123.06	380.45	503.51
1957	169.22	409.97	579.19

[1] Federal taxes consisted of excise taxes on customs, alcohol, tobacco, death, gifts, and other items.
[2] Income tax established but no appreciable impact resulted until 1922.

Two months ago President Kennedy told the Congress:

If we are to preserve our fiscal integrity and world confidence in the dollar, it will be necessary to hold tightly to prudent fiscal standards; and, I must request the cooperation of the Congress in this regard—to refrain from adding funds to programs, desirable as they may be, to the budget.

Let us hope that he was serious when he made this statement.

Propaganda Poison Unleashed

EXTENSION OF REMARKS
OF

HON. GORDON H. SCHERER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. SCHERER. Mr. Speaker, under unanimous consent, I include in the CONGRESSIONAL RECORD my remarks during the Human Events Political Action Conference on July 15, 1961, in Washington, D.C.:

Two weeks ago the House of Representatives appropriated the staggering and unbelievable sum of $42 billion in order to provide this Nation for just 1 year with those weapons which will protect it from the potential military aggression of the Soviets. The unanimous vote of the House indicates the necessity of maintaining the strongest possible military defense posture.

There are those of us who believe that we are not going to have an all-out nuclear war; that the firepower between the East and the West is fairly well balanced; that the Communists are not going to risk the total destruction of their cities by engaging in such a conflict. And why should they?

Look how far they have come in the short space of 40 years. As we all know, today they dominate one-third of the land mass of the earth and an equal proportion of its people. They have done this not so much by outward or military aggression but by the use of a new weapon of warfare called indirect aggression or subversion and infiltration. Although the third world war has already begun and the Communists have been using this new weapon with remarkable success for a number of years, few people until recently have been willing to admit its success, although the evidence has been overwhelming.

While, as I have pointed out, we have spent astronomical sums for military hardware, our expenditures and our efforts to combat indirect aggression have been practically nil by comparison. It took Cuba to wipe out this blind spot. If the Communists had been foolish enough to try to take Cuba by military force, they would have failed miserably because we would have moved in with everything we had. Yet through indirect aggression, infiltration and subversion, Havana today is as Communist-controlled as Moscow and Peiping.

Today in the meantime Khrushchev distracts the attention of the world by sword rattling in Berlin—by parading a mighty and nasty-looking air force. But, as in the past, he's not going to push so far or so hard that the shooting starts.

The truth is, in my opinion, that the Soviets have abandoned the centuries-old concept of war. They have discovered that a man killed by a bullet is useless. He can dig no coal. They believe that a demolished city is useless. Its mills produce no cloth. The objective of modern warfare is to capture intact the minds of the people and their possessions so they can be put to use. If we have to be conquered by destructive nuclear-age weapons, it will be considered a setback by the Kremlin.

So while we necessarily respond to the new Communist manufactured crisis in Berlin by putting more guns and planes into our arsenal because we can't afford to take a chance, the Kremlin continues its Lao, African, and Cuban type of indirect aggression or subversion throughout the free world including the United States—the New York Times to the contrary notwithstanding.

We are their prime target. We are the only real roadblock in their ever-increasing drive for world domination. They have "sleepers" in every nook and cranny of this country, ready and willing to act when the Communist timetable requires their special skills.

Those who grudgingly admit that the Communists may have succeeded in taking over most of the countries now behind the Iron Curtain by subversion—those who do not deny that the Kremlin as of this moment may be boring from within in Laos, in the Middle East, in Latin and South America but continue to argue that there is no Communist fifth column in the United States, are living in a fool's paradise.

Communist-instigated agitation and demonstrations against the United States, as we have witnessed all over the globe, will shortly begin to flare up in this country. The Communist-inspired riots against the House Committee on Un-American Activities in San Francisco a year ago were only a preview.

At first most of the demonstrations will be against grievances or alleged grievances that appear to have no Communist connection. In most instances, however, they will be instigated, directed, and masterminded by Khrushchev's boys. The disturbances will be handled so cleverly that many of the well-meaning participants will not realize that they are mere puppets whose strings are being pulled by the highly trained experts in Communist psychological warfare.

By far the most effective means for softening up various segments of the American people for Communist internal subversion is massive doses of propaganda, timely and expertly administered. The Committee on Un-American Activities has developed volumes of evidence with respect to the Communist propaganda assault on the American people. Let me tell you about it.

During the past 2 years, the committee has conducted extensive hearings at the various ports of entry in the United States. These hearings have disclosed that today there are coming into this country each year through the U.S. mail approximately 10 million pieces of subtle, effective Communist propaganda from Iron Curtain countries and Communist centers located in friendly nations. Let me describe one of a series of almost identical committee hearings dealing with Communist political propaganda, held in a few of the 45 ports of entry for mail in the United States.

Our committee met in Buffalo some time ago. On the courtroom floor were dozens of large sacks of mail directed to the Buffalo area which came from behind the Iron Curtain. Sacks were opened at random and their contents dumped on the tables. Eighty percent of the mail in those sacks was pro-Russian propaganda in one form or another, emanating from Communist countries, addressed to people in the Buffalo community. Part of this propaganda, printed in 11 different languages, is directed to various nationality groups; often to individuals who have migrated to the United States from satellite nations, or who have families still living under the Kremlin's heel.

The propaganda is cleverly and subtly presented in magazines, newspapers, and pamphlets which, from a casual perusal, do not reveal the poison they contain. Expensive magazines, comparable in size and format to our Life and Look, are sent free, or sell for only a small fraction of the cost of printing. They are obviously subsidized by the Communist propaganda agencies, since they carry no advertising whatsoever.

The U.S. Information Agency testified that the boys in the Kremlin are spending more than $1 billion a year on all forms of Communist propaganda, directed to every country in the world. Exactly what portion of this amount the comrades spend for the edification of the people of the United States is in the process of being determined. However, these bright-colored pictorial magazines, newspapers, and seemingly innocuous pamphlets, containing articles bearing attractive titles, are at this very moment being shipped into this country in huge quantities and at an accelerated rate.

The evidence at the hearings shows that, when the Communists want to influence the attitude of certain nationality groups in this country on current political and other issues, there appears a rash of concentrated mailings to these groups, carrying the Communist line on the issue.

People who receive these mailings are often those who have fled Iron Curtain countries and settled in the United States, or who have families and relatives in those countries. They become greatly disturbed when they find that the Communists know their addresses in the United States. Many were so upset that they changed their residences and their names. Some became panic stricken when, within a few weeks thereafter, similar mailings arrived bearing their new addresses and their changed names.

Our committee determined how these addresses were obtained by the overseas Communist propagandists. The findings illustrate how effective one Communist can be. The argument made by the leftwing that there is nothing to fear because there are so few Communists in the United States is again negated. Here is one method used: A member of the Communist Party joins, say, a Polish singing society. His Communist connections, of course, are unknown to the members of the group. He surreptitiously obtains the mailing list of the organization. One of his obligations to the Communist conspiracy is fulfilled when he sneaks that list behind the Iron Curtain.

Let me give you a few excerpts from the record of the hearings which indicate how these people feel about the material they receive. A woman writes to a postal official as follows: "Lately I have been receiving propaganda from abroad. I do not know who sent my name in or how they found my address. Please return this material. My husband and I do not want trouble with this Government."

One person begs: "Please do not let these things pass through. I do not need this smelly stuff."

A former resident of Berlin has this to say: "I would like to advise you that I do not want any mail sent to me sealed from Berlin. This is a black, dirty Communist Party literature to return us new Americans to our native countries. I am loyal to my new home, the United States of America, and do not want to hear any of that kind of literature. Please destroy all that."

A group of displaced persons wrote as follows: "We, the displaced persons, been getting by mail Communist propaganda here in five different languages. First it started with small sheets; now they are mailing large printed sheets over every other month calling us back: 'It is your duty to be back in your own country. We shorten the working hours and raise the pay 30 percent; don't slave there; they don't want you there where you are now slaving your life out.'

"We are very sorry we cannot give our names and addresses in this letter; we are in fear of danger same as five Russian seamen

been kidnaped from here, most of us are as citizen now. All we ask kindly to stop the propaganda mail coming over so we can live peacefully; we don't want their propaganda here and we don't want to be victims."

A professor at one of our universities said in handing the committee this magazine with three attractive girls on its cover: "Here is a bit of East German literary work. It is to be assumed that it is being circulated in appreciable quantity in this country by mail.

"I am concerned about the influence of this propaganda upon the average person in this country. While one may argue that no red-blooded American could ever be affected by this literature, it is my experience that it requires more than an ordinary degree of sophistication in these matters to become fully aware of the presumptuousness of this magazine.

"This is obviously a Government-subsidized venture; no East German publisher is in a position to finance this grade of translation which, by Iron Curtain standards, is of excellent graphic quality. They take unfair advantage of the absence of censorship by the U.S. mail to further their shady cause, which is to cast doubt upon the U.S. position toward Russia. They provide additional eyewash for those who are eager to forget the Hungarian struggle for freedom, and to break down American morale by 'proving' that the Russians aren't so bad after all.

"This is sneaky business. It is an example of the new twist in Red psychological warfare.

"The suff is poisonous. Maybe some education by your committee of potential recipients of such propaganda would help."

George Sokolsky in a recent column, in his usually effective way, pinpoints the issue. He wrote: "I hold in my hand a magazine similar to hundreds, perhaps thousands, that have been sent Hungarians living in the United States, which shows that the Communists in Budapest have the addresses of Hungarians in the United States in detail. It is obvious that this is a propaganda magazine. The question that bothers me is how the Communists got the addresses of all the Hungarian refugees in the United States. Is the Post Office of the United States to be used to put pressure upon persons living within the United States? Hungarians in this country are incensed at receiving these unsolicited papers.

"The Hungarians could not have had all these names and addresses unless they maintained a large espionage system in this country. How could this magazine get these addresses in such minute detail unless someone in the United States compiled a list? It takes time, labor, and expense to get up such a list of hundreds or thousands of persons scattered all over the United States. Who does this job?

"Neither the State Department nor any other agency of the Government is entitled to cover up for spies on the ground that we do not wish to have bad relations with a country. Why these spies are permitted to operate is not readily explainable except that our laws give them an advantage that does not exist in any other country."

Of course, I would not want to lead you to believe that the propaganda is directed solely to nationality groups and those who have ties in Iron Curtain countries. In fact, only a small percentage of the total propaganda coming through the mails is devoted to this group. Of the more than 1,000 different types of these periodicals which come to our shores each year, the great mass is printed in English and goes to native-born Americans; to our libraries, colleges, seminaries, and to people with extreme leftwing propensities who are in positions to mold American opinion.

There is another facet to this Communist propaganda offensive. Some months ago the country was flooded with what purported to be scientific radio journals from the Soviet Union. Great prominence was given in these journals to a quiz for ham radio operators. A series of prizes was offered to the winners.

It is significant that, after the contestant had answered the questions, which in themselves were filled with propaganda, he was asked to give his address, the call letters of his radio station, and other pertinent information about his activities as a ham operator. It would be presumptuous for me to detail how highly valuable such information is, not only to the propagandists but also to the Russian secret police.

Our postal and customs officials testified that of the tremendous number who participated in this contest, several thousand won the second prize. It was a copy of a publication entitled "Radio Moscow." The Communists certainly got a lot of mileage out of the rubles spent on this one.

Perhaps the most revealing development was brought to light in hearings at New York. These hearings were being held a few months after the Hungarian revolution. One of the exhibits was a magazine dated a few months before the Hungarian freedom fighters rebelled against Communist oppression. It was published in Hungary, but printed in English, and widely distributed in the United States.

It was interesting to read, immediately after the revolution, from this propaganda sheet printed immediately before the revolution, how the Hungarian people were happy and content and how they were prospering under the Communist regime. This piece of propaganda was done so cleverly that, had not the revolution and subsequent Russian atrocities taken place, thousands of Americans, particularly those of Hungarian extraction, would have been duly convinced of the alleged success of a benevolent Communist regime in Hungary.

Now, of course, a great hue and cry has gone up from the leftwing, charging the committee with censorship and trying to deprive the American people of scientific and cultural literature from the Iron Curtain countries.

Let's see how uplifting, cultural, and scientific some of this unlabeled literature is—literature which is sent unsolicited to millions of Americans whose addresses have been surreptitiously obtained by the Communist apparatus operating within the United States. Here is a highly cultural and elevating treatise, thousands of which have been distributed not only in the United States but also in most of the countries of the free world. It is part of the evidence taken from the mail sacks during the hearings of our committee in Buffalo. It was printed in Communist China in 1958. It is entitled "Data on Atrocities of U.S. Army in South Korea." Here are a few choice, high-level quotes: "From the very first day of their occupation, the American imperialists have been trying hard to convert South Korea into a project for squeezing out maximum profit for the millionaires of Wall Street and an outpost for their aggression of the Asian Continent."

A little further on we read this: "The American imperialists since 1950 have committed atrocities unprecedented in the history of mankind in their aggressive war in Korea. They have massacred at random innocent people in Korea. They have destroyed and pillaged more than 5,000 schools, 1,000 hospitals and clinics."

Again we read: "The American soldiers arrested Kim Bu Ing, a dockworker in Inchon, for the only reason that she was a member of the women's union. After violating and torturing her by every means, they stripped her naked, burnt her with a heated iron poker and then killed her."

On another page we find this: "That same month, the American soldiers arrested a peasant only because he was a model farmer, passed wire through his nose and ears, pierced his hands with a bayonet nailed the words "model farmer' on his forehead and dragged him around the village before they killed him."

This highly cultural periodical then proceeds to tell what the American soldiers did to this farmer's daughter-in-law. It is so heinous, vile, and filthy that I am unable to quote what it says.

As late as February 25, 1958, it is alleged that: "U.S. soldiers beat a Korean boy, aged 13, and stabbed with a knife his legs and arms on the false charge of 'theft.' The boy was put into a box, the lid was nailed down, it was loaded into a helicopter which took the box north of Seoul where the cargo was dumped, and the boy left to die."

This piece of lying propaganda contains accounts of hundreds of other similar alleged atrocities. Being unmarked and unlabeled, people reading it after it was distributed by members of the Communist Party in the United States would have no knowledge whatsoever of the fact that it came from the propaganda mills of Red China, particularly since most of the editions were printed in English.

Some will ask what legislative purpose, other than exposing this phase of the cold war, did the House Committee on Un-American Activities have in making the investigations and holding the hearings I have been discussing.

Under the first amendment of the Constitution, which prohibits interference with freedom of speech and the press, these publications cannot be banned. The committee has no thought of attempting to do so. We do, however, have a law known as the Foreign Agents' Registration Act, passed in 1938, which requires that all political and subversive propaganda coming from abroad must be properly labeled so that the recipient will know the source and nature of the material. It is similar to our pure food and drug laws which require that bottles and packages containing certain foods and medicines, especially poison, must be labeled as to content. If the law requires that poison which may go into our stomachs must be clearly identified, it certainly should require that poison for the mind also be unmistakably labeled.

While the Foreign Agents' Registration Act apparently requires proper labeling, Communist propagandists have found loopholes and weaknesses which they have exploited. They are such that our customs and postal officials testified that they never saw one piece of the propaganda I have been talking about so labeled, except that which was sent to the Library of Congress, embassies, and other agencies of Government.

The straw of absurdity that broke the camel's back of patience in these hearings was the development of the fact that the taxpayers of the United States, who at present are subsidizing our tremendous postal deficit, help to pay the heavy cost of delivering this propaganda which would destroy us.

As a result of these extensive hearings on the flow of Communist propaganda into the United States, the chairman of the Committee on Un-American Activities and I introduced bills which would plug up these loopholes in the Foreign Agents' Registration Act and compel the labeling of this material as contemplated and intended by the original 1938 act.

On March 17 of this year some of us had the shock of our lives. The President issued an Executive order directing that Communist propaganda should be delivered to the addressees, even though it was unsolicited and unlabeled and in violation of at least the intent and purpose of the Foreign Agents' Registration Act. Most of this propaganda was in bulk. All first-class mail and solicited second- and third-class material has been delivered without delay even though it has not been labeled as intended by the 1938 act. Since the Presidential order in March, I have been informed by the Deputy Collector

of Customs at New York that Communist propaganda coming through the mails alone has increased 120 percent.

The Walter bill to plug up the holes in the Foreign Agents' Registration Act so that this propaganda would be properly labeled was on the Consent Calendar of the House on May 15. The leftwing Washington Post viciously attacked the bill with lies and distortions. It supported the President's order directing that this unlabeled poison be delivered. It charged that the bill created "an office of ideological censorship, empowered to put ideas in quarantine lest they infect American minds."

The editorial stated that: "It would keep Americans generally from learning what they needed to know about the world they live in; that it would substitute for free choice of a free people as to what they want to read the judgment of an official censor."

You can readily understand the feeling of utter frustration at such charges on the part of those who labored to bring about vitally needed legislation when it is so distorted and misrepresented in the press of the Nation's Capital.

As I have said, this bill does nothing more than carry out the purpose and intent of the original Foreign Agents' Registration Act of 1938 and that is to require the labeling of foreign political propaganda as it was defined in that act. There is no censorship. There could be no withholding under this legislation, if the propaganda was labeled as to source. In view of what I have said, what do you think of this last statement of the Washington Post editorial: "Mr. WALTER aims to slip this bill through the House without hearings on it, without opinions on it from the executive agencies which would have to administer it."

What do you think of that statement after 2 years of hearings and when I point out that the bill was requested, recommended, and drafted by the very agency which administers the Foreign Agents' Registration Act?

As I said before, we spend billions to create weapons to protect us from military aggression. On the other hand, we have countless roadblocks thrown into the path of every effort to protect this Nation from internal subversion. It comes not only from leftwing newspapers like the Washington Post but also from agencies of Government.

This bill which I have been talking about was introduced on March 21, 1961. It was on the calendar for the first time on May 15, 1961. It was again on the Calendar of the House on June 19, 1961. That morning it was faced with another vicious editorial by the Washington Post.

The straw that broke the camel's back, however, was the fact that on the morning of June 19, 3 months after the bill was introduced, after it had been on the Calendar of the House, the committee received a report from the Attorney General attacking the bill. It is significant that some of the very language used in the Washington Post editorial of May 14 appeared subsequently in this belated Attorney General's opinion—if you could call it that. In fact, no respectable member of the bar could justify it as a legal opinion or an analysis of the bill. It was a political statement in support of the President's Executive order allowing this unlabeled and unsolicited propaganda to be delivered to the addresses in this country. I cannot prove it, but I would bet my bottom dollar that it was written on direction from the eggheads in the State Department who from the very beginning of this administration, time after time, in incident after incident, have adopted a policy of "Let's not make Khrushchev unhappy."

It is obvious from this so-called opinion that it was these addlebrained leftwing liberals in the State Department who also dictated the Presidential order to let this poison through unlabeled.

Congressman Machrowicz Refutes Gross Misrepresentations of Polish People's Attitude Toward Americans

EXTENSION OF REMARKS
OF
HON. EDWARD P. BOLAND
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. BOLAND. Mr. Speaker, under leave to extend my remarks, I ask permission to have printed in the CONGRESSIONAL RECORD my letter to our colleague, Congressman THADDEUS M. MACHROWICZ, acknowledging receipt of his letter and his reply to Mr. Vincent B. Welch, a Washington attorney, who made comments containing gross misrepresentations about the Polish people in his article in the Bowdoin College Alumnus entitled "Behind the Iron Curtain."

The letters follow:

JULY 19, 1961.

Hon. THADDEUS M. MACHROWICZ,
House of Representatives,
Washington, D.C.

DEAR COLLEAGUE: Thank you for your letter of July 18.

I read with interest the enclosed copy of your letter to Mr. Vincent B. Welch, of Washington, D.C., replying to his article in the Bowdoin College Alumnus, entitled "Behind the Iron Curtain."

Your reply not only refutes the many gross misrepresentations about the attitude of the Polish people toward Americans, but affirms what we all know to be as the true feelings of the good Polish people who are suffering under the yoke of communistic dictatorship. One would only have to talk to some of the thousands of American citizens of Polish ancestry, living in my congressional district, to realize that the sentiments expressed by Mr. Welch, in his article, are not true in fact.

Many of my constituents have traveled to Poland in the last few years to visit with their relatives. The stories they have told me about Poland and the Polish people certainly bear no resemblance to the views expressed in the Welch article. I think it is a travesty to say that "over 90 percent of the Polish people are Communists or communistic in sympathy, through dedication, brainwashing or abject fear." I have read letters from Polish relatives of my constituents which belie this charge. I have talked to Polish people visiting relatives, in my district, and they have all proclaimed their continuing and profound loyalty to their Polish heritage, their Roman Catholic faith, and the spiritual leadership of Cardinal Wyszynski, who as you know, has constantly resisted the Polish Communist dictatorship.

Again, I certainly want to thank you for apprising me of Mr. Welch's article and your reply to him.

Sincerely yours,

EDWARD P. BOLAND,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 18, 1961.

The Honorable EDWARD P. BOLAND,
House of Representatives,
Washington, D.C.

DEAR COLLEAGUE: On July 5, 1961, one Vincent B. Welch, Washington attorney, circulated among the membership of both the House of Representatives and the Senate his article in the Bowdoin College Alumnus, entitled "Behind the Iron Curtain."

Since this article has been inserted in the CONGRESSIONAL RECORD and since it contains many gross misrepresentations, I enclose herewith, for your information, my reply to him.

I wish to call to your attention that Secretary of State Dean Rusk, in a report to the Senate Committee on Foreign Affairs last week, completely denied and rebutted most of the allegations contained in Mr. Welch's letter.

The Secretary's report is contained in the CONGRESSIONAL RECORD of July 17, 1961, on page 12659, and should be read carefully by any who might have been influenced by Mr. Welch's letter.

Yours sincerely,

THADDEUS M. MACHROWICZ,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 18, 1961.

Mr. VINCENT B. WELCH,
Attorney at Law,
Washington, D.C.

DEAR MR. WELCH: I have your letter of July 5, with which you enclosed a copy of your article "Behind the Iron Curtain," in which you discuss your impressions resulting from an 8-day tour of Poland this summer. Your article contains a few correct observations, but with them such a tremendous amount of grossly unfair allegations inconsistent with actual facts, that I feel constrained to reply, particularly since the article has been distributed to the entire membership of Congress, inserted in the CONGRESSIONAL RECORD, and it is quite obvious that it was your intention to influence congressional opinion on pending legislation.

You stated that after 48 hours in Poland, you were in "somewhat of a state of hypnotized amazement." I accept your description of your state of hypnosis as an explanation of your completely inaccurate description of the state of mind of the Polish people. In justifying my own ability to properly evaluate the true situation in Poland, may I say to you that I have been there twice in the last 4 years, also that from personal experience I know the situation in pre-Communist Poland.

You are completely right when you state that the present Government of Poland is completely communistic and that the degree of suppression of human rights, particularly with reference to the church, is again increasing in tempo after the slight liberalization which was accomplished by the Polish peoples' revolt in June 1956. You are also correct in your observation that presently "over 90 percent of the Polish people live in relative poverty." But at this point the correctness of your report completely ends.

When you say that the Polish people individually "despise us, particularly the Americans," you are completely and thoroughly wrong. Thousands of Americans who have visited Poland in the last few years have been almost unanimous in their observation that hardly anywhere in the world, on either side of the Iron Curtain, do the Americans enjoy such respect and friendship as they do from the people of Poland. No one, to my knowledge, with your single exception, has been in Poland even 24 hours without noticing that. All reports, private and official, confirm that fact.

The most convincing proof of that is the tremendously enthusiastic and friendly reception that was given by the Polish people to former Vice President Nixon when he visited that country last year. Despite the fact that the Polish Communist Government did everything it could to withhold from the people of Poland the facts about the route or timing of Vice President Nixon's travel, the people turned out in surprisingly vast numbers to enthusiastically demonstrate their high degree of friendship to the American people. Mr. Nixon himself, after

his return to the United States, declared that nowhere in his travels throughout the world, on either side of the Iron Curtain, did he experience such warm, spontaneous and sincere welcome. How can you explain this manifestation in view of your claim that the Polish people "despise the American?"

You are also in complete error when you say that "over 90 percent of the Polish people are Communists or communistic in sympathy, through dedication, brainwashing, or abject fear." Nothing could be further from the truth than that statement, and again almost unanimous private and official reports from those who saw Poland in the last few years, not in a hypnotic state of mind, confirm my statement. As a matter of fact, I would state, on the basis of my own observation and knowledge of conditions in Poland, that it would be much nearer to the truth that nearly 90 percent of the people of Poland are anti-Communists, hate communism, and will never accept it If free elections were permitted in Poland today, there would be an overwhelming vote for our American type of democracy—and that feeling exists not only among the older generation but among the college and university students and the youth in general.

You refer in your letter to the bloody revolt of the Polish people in June 1956 for "bread and freedom." The fact of that revolt in itself puts a lie to your claim. But more important than that, as you yourself point out, and as many observers agree, that revolt was led by workers and by students. How then can you justify your preposterous statement that "over 90 percent of the Polish people are Communists or Communists in sympathy?" I consider that allegation of yours as utterly erroneous and am shocked by the carelessness and ruthlessness with which you make it.

I believe that your difficulty may well be the same as that encountered by many other sincere but uninformed Americans—namely that they cannot or will not differentiate between the people of Poland and the government of Poland, which was imposed upon them against their will and without giving them an opportunity to participate in decisions regarding their national future.

May I remind you that the present Communist government in Poland resulted from decisions made at Yalta and Teheran where the Poles, who were then our allies, were not represented, and may I remind you further that our own Government took part in those meetings and must be charged, in part at least, with responsibility for creating conditions which enabled the Communists to take Poland over against the will of its people. Under such circumstances it ill behooves us to taunt the Polish people for having a kind of government which it had no part in creating.

The situation in Poland is bad economically and politically, but the Polish people, under the spiritual leadership of Cardinal Wyszynski, have shown a remarkably strong spirit of resistance to Communist ideology.

It is up to us in the United States to encourage this spirit of resistance rather than discourage it by completely false and unfair allegations. Certainly we cannot, nor should we, encourage or invite the Polish people to armed revolt at this time when it could lead only to a bloody purge and worse repression, unless we in the United States are ready to assist and join them in such armed resistance. Are we ready to give this help to them? What was our response to the Poznan revolt in 1956, or the brave revolt of the Hungarian patriots? These two instances have alerted the people of Poland to the truth that armed revolt at this time would be a tragic error and that the only wise course for the people of Poland is to follow the leadership of such men as Cardinal Wyszynski, who advises prudence and caution until the Western Powers are ready and willing to correct the injustices created by the Yalta and Teheran agreements.

I sincerely hope you will recognize the gross injustice you have done not only to the people of Poland, but to the cause of justice and democracy throughout the world, and will do whatever can be done to atone for it by a correction of the careless misstatements contained in your letter.

Yours very truly,

THADDEUS M. MACHROWICZ,
Member of Congress.

Unified Space Control or Splintered Authority

EXTENSION OF REMARKS
OF

HON. OVERTON BROOKS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. BROOKS of Louisiana. Mr. Speaker, the Nation's programs in space already have had profound effects in many areas. Numerous scientific and technological advances have resulted from our space effort. The international prestige of the United States is linked to our achievements in space. It now seems certain that some of our space programs will have great influence upon this country's economic growth. In my judgment, we are on the threshold of a period of practical uses of space.

From all appearances, the first enterprise suitable for commercial operation using space technology will be a worldwide system of communications using satellites. What was considered a dream just a few years ago is now within our grasp. By developing communications satellites, the United States has an opportunity to lead the rest of the world in the commercial utilization of space, and to demonstrate the desire of this country to develop peaceful applications of space technology which will benefit all mankind.

The Committee on Science and Astronautics has undertaken hearings regarding the problems associated with this development. The hearings have demonstrated that American industry is ready, willing, and eager to get on with the job.

There are many other practical programs in space which will have commercial applications and important economic consequences. Meteorological satellite systems will permit much more accurate weather forecasting. This will be a great boon to farmers, the airlines, building contractors, and to many other industries. Millions of dollars will be saved each year as more accurate weather prediction permits farmers, businessmen, and property owners to make appropriate plans and to take necessary precautions.

Navigation satellite systems will be of great assistance to our Navy and our merchant marine, as well as ships of all nations that sail the seven seas. I could mention still other programs, and, as progress in space technology is made, more and more practical applications will undoubtedly develop.

It is not my intention to ignore the long-range and more ambitious programs of manned space exploration. I simply want to point out that the so-called utility packages—communications, weather, and navigation—have almost unlimited potential for use in the immediate or near future. It is important, in my opinion, to get on with the job as quickly as possible.

These practical developments in space technology create a number of difficult problems, however, and important decisions must be made which are likely to have far-reaching implications for the country as a whole. Precedents may well be set which could affect other activities in space in the future.

The reason I bring these matters to the attention of my colleagues at this time is that meaningful space programs will require effective management by the Government. Under the provisions of the Space Act of 1958, the National Aeronautics and Space Administration is required, among other things, to plan, direct, and conduct aeronautical and space activities.

This statutory provision gives NASA very broad authority over everything having to do with this country's civilian space activities.

Certainly other agencies of the Government are bound to have interests and responsibilities with respect to specific programs in space. For example, the Weather Bureau has a very direct interest in the meteorological satellite program. The FCC and the State Department, to mention only two agencies, have important interests in connection with the development and operation of commercial systems of communication-using satellites. Still other agencies of the Government will be interested in other programs in the future. But the mere fact that such interests exist in other Government agencies does not relieve NASA of its very broad authority and responsibility for planning, directing, and conducting this Nation's peaceful space activities and programs.

Placing these remarks in historical context may be helpful in making the point. The underlying philosophy of the legislation which created and authorized the activities of the old National Advisory Committee for Aeronautics provided that the NACA should operate as a research and development organization in support of other agencies of the Government which had management and operational responsibilities, primarily the military.

When NASA was created as successor to the National Advisory Committee for Aeronautics, there was a conscious and express intention on the part of the Congress to give this new agency management and operational responsibilities, in addition to its research and development functions. That is why Congress decreed that aeronautical and space activities sponsored by the United States, except for those activities specifically designated as needed for our defense, should be directed and controlled by NASA. Accordingly, there can be no

doubt about NASA's clear responsibilities for management of the peaceful space program of the United States.

Mr. Speaker, I want to bring to the attention of my colleagues what seems to me to be a trend in the direction of NASA becoming a research and development agency, supporting the programs of other agencies of the Government in much the same way that its predecessor organization, the NACA, operated. I believe this trend raises important questions. Not only does it seem contrary to Congress' declaration of policy and purpose in the Space Act of 1958, but this naturally raises questions about the desirability of a piecemeal development of the Nation's space policies by various Government agencies.

As I have already pointed out, problems associated with the development of space systems which have commercial applications cut across the authority and responsibilities of many agencies of Government. Foresight and broad vision are needed if meaningful national policies are to be formulated. We must guard against hasty, or ill-considered, or fragmentary policies. How can we be sure of effective planning and direction of our space program? Should this not be the responsibility of one agency of the Government? Under the law, is not NASA that agency?

Recognizing that other Government agencies will have interests for certain aspects of America's space effort, let us speculate for a moment on how far these interests go. Will the point ever be reached when some agency other than NASA will want to design, construct, and operate its own satellite system? Or launch its own space vehicle? Will business and financial arrangements be made, and new industries be regulated, by six or eight Government agencies?

Where does this lead us? First, the Government may find itself with half a dozen or more civilian space agencies, each with its own programs, each doing part of the work of which NASA was specifically set up to do. Is this in harmony with the clear intent of Congress to create a single agency with broad and comprehensive authority and responsibility? Second, how will we be able to avoid inconsistent policies and wasteful duplication of effort?

What are the answers? It seems to me that this is the time to determine the bounds of activity of these agencies. We are entering a new and fast-moving era. New agencies are created, and old agencies find themselves with new responsibilities. Now is the time for the Government to give careful and earnest thought to the organizational needs of the national space program. In my opinion, the country cannot afford vacillating, inconsistent policies. The American people have a right to expect aggressive leadership, and thorough, consistent planning.

Now is the time to organize our national space effort. It should not be permitted to drift. The Space Council, under the able leadership of Vice President JOHNSON, has powers to resolve many of these questions. Recently, it has become rather active, and I have full confidence that the Council will step into this vacuum and resolve many of these urgent matters.

Mr. Speaker, I believe the time has arrived when we must work out some of these problems and the Congress and the American people should be presented with a clear and comprehensive statement of policy. Unless we are to have a heterogeneous space organization scattered around throughout many departments of Government, we must back up NASA, recognizing the responsibilities and the powers that the law already places in this space agency. Space is an unusual activity, the like of which is not to be found in any other department of Government. It requires special training, special organization, and special objectives, oftentimes not understood by nonspace departments of Government, if it is to develop its full potentialities of leading this Nation into the forefront of astronautical leadership throughout the world.

I present this matter to the Congress at this time after considerable thought. I am pleased with the progress we have recently made in the field of space, activities which would seem to indicate that we are gaining in our race—if you want to call it that—with Russia. At the same time, I am concerned that, at this juncture when the promise is bright, poor planning, faulty thinking, and indecisive action may dilute our program, preventing us from obtaining those objectives that American brains and equipment would indicate we can secure for ourselves and for our country.

The Hanford Reactor Issue

EXTENSION OF REMARKS
OF

HON. JAMES E. VAN ZANDT

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. VAN ZANDT. Mr. Speaker, in reply to the Washington Evening Star editorial appearing in the July 15, 1961, edition titled "The Hanford Issue," I have written the following letter to the editor of the Evening Star:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 18, 1961.

Mr. BENJAMIN M. MCKELWAY,
Editor, the Evening Star,
Washington, D.C.

DEAR MR. MCKELWAY: On Saturday, July 15, the Star carried an editorial entitled "The Hanford Issue," in which the House of Representatives was accused of using "poor judgment in rejecting, by a vote of 176 to 140, the proposal to convert the new reactor at Hanford, Wash., into a dual-purpose facility capable of producing not only plutonium for weapons, but also between 700,000 and 800,000 kilowatt-hours of electricity for peaceful uses."

I must admit that I was somewhat surprised by this editorial because I have always felt that your paper had a high reputation for objectivity and careful research. To my knowledge, the Star has carried few, if any, news items concerning the extensive hearings and considerations given to the proposal to add electric generating facilities to the new plutonium production reactor presently being constructed at Hanford. Nor do I recall any mention in your news columns of the carefully prepared statement submitted as a part of the Joint Committee on Atomic Energy's report to the Congress on the AEC authorization bill, which sets forth logical reasons why this project should not be built. You have not given your readers adequate background against which they may measure the reasonableness of the editorial position which the Star unfortunately took on July 15.

I would not for one moment challenge your right to express such an editorial opinion, but does not your responsibility to an informed citizenry require you to have and report the full facts before you express such an opinion?

I have been closely associated with every stage of the development of this proposal and, therefore, feel I have some knowledge of the Hanford steamplant proposal. I think it would be appropriate for me to comment briefly on some of your statements on the Hanford steamplant, and on the action taken by the House of Representatives last Thursday.

For example, your editorial leaves the impression that unless the project is restored in conference, the reactor "will serve only a strictly military purpose." This statement completely disregards, or overlooks, the primary purpose for which the reactor was authorized in 1958 and for which it is being constructed, which is for "a strictly military purpose."

You have apparently accepted the specious argument that the tremendous quantity of steam should be utilized—you might go on and say regardless of cost to the Nation's taxpayers. Perhaps you did not notice a carefully reasoned statement made in the House of Representatives on June 28 by Representative WILLIAM H. BATES, a member of the Joint Committee on Atomic Energy, on this question of using Hanford steam. In that statement, Mr. BATES succinctly observed, "If it is wasteful and extravagant to dump NPR steam into the Columbia River, it is much more wasteful and extravagant to dump Federal funds into an operation that is not economically prudent by the most liberal standards of measurement. The matter resolves itself into one basic question: Which of the two resources—Hanford Reactor steam or Federal funds—is the most precious in these times of great demands on the National Treasury?" The House of Representatives went on record last Thursday, and rightly so, on the side of the taxpayers in this issue.

Your editorial is in error when it states that the electricity would be distributed largely through private utility systems. I think if you had read carefully the record of the debate in the House last Thursday, you would have discovered the colloquy between Representative BEN JENSEN and Representative CHET HOLIFIELD on page 12463 which refutes your statement. The colloquy goes as follows:

"Mr. HOLIFIELD. The testimony before our committee, I will say to the gentleman, was that 53 percent of the power at this time is sold to private utilities who distribute the power at their own prices in the area."

"Mr. JENSEN. The gentleman is wrong again, the facts are that that testimony plainly shows specifically that only 18.8 percent of the Bonneville power is being distributed by the private utilities."

"Mr. HOLIFIELD. What?"

"Mr. JENSEN. I suggest the gentleman reread that testimony."

"Mr. HOLIFIELD. No member of our committee challenged that."

"Mr. JENSEN. I challenge it having been for the past 19 years on the committee that

appropriates for the Bonneville Power Administration and I know whereof I speak. Let us keep the records straight, and let us be fair to the taxpayers of the United States of America by adopting this amendment and this $95 million."

Your editorial continues by stating that the bill was defeated primarily on the grounds that it would put the AEC in the public power business—which it would—and thus constituted another socialistic encroachment on free enterprise—which it would. The truth of the matter is, however, that this was but one of many reasons why the House decided this project should not be authorized. May I point out that if your research had been more thorough, you would have read the separate statement signed by myself and four of my colleagues on the Joint Committee on Atomic Energy which was attached to the committee report on the bill, H.R. 7576. The separate statement points out 10 compelling reasons why the project should not be authorized. They are:

1. It would not advance nuclear power technology.
2. It would be contrary to the spirit, intent, and specific language of section 44 of the Atomic Energy Act of 1954.
3. It would violate assurances given to Congress in 1958 when the new production reactor was authorized.
4. It would not, as is alleged, aid national defense.
5. It is not needed to meet the power requirements of the Pacific Northwest.
6. It would be used to attract industry from other regions.
7. It would also be used to justify the construction of transmission lines leading to a gigantic Federal electric power grid.
8. It would not produce power economically.
9. It would not enhance international prestige.
10. It would constitute a precedent for the further encroachment of government in private business.

The argument identified by your editorial as being primary was in reality only a small part of the overall case which was made against the Hanford steamplant.

Your editorial and your news reporting carefully avoided the fact that the Hanford steamplant would not in any way advance nuclear power technology, but would rather turn back the clock. Furthermore, it was not pointed out that the conversion of this project would actually be a detriment to national defense by standing as a deterrent to effective international agreement on disarmament or arms control.

Proponents of this project assert that conversion of the Hanford reactor to generation of electricity would strengthen national defense during any international nuclear arms agreement. They would be willing to place the United States at a serious disadvantage by having the Nation's negotiators accept for us the authority to operate one plutonium reactor for power generation while granting the Soviet Union authority, under the agreement, to operate five plutonium reactors for power purposes. Thus, the proponents would have us believe that it would be quite proper to give the Soviets a 5 to 1 advantage over us in opportunities to produce weapons-grade plutonium and violate the terms of the agreement.

There was no mention that there is no power shortage in the area but rather a surplus of power. There was no mention that the United States would be the laughing stock of the world for building the largest, most outdated technological retrogression in the world.

I could go on for several pages, but I think it should already be obvious that your editorial leaves much to be desired. It might be said that the editorial is just one man's opinion—and you certainly are entitled to it. But, let me call to your attention some other editors' opinions.

On June 27, June 29, and July 7, I inserted in the CONGRESSIONAL RECORD what was referred to as a "Cross-Country Tour of Editorial Comment" from many of the Nation's leading newspapers, expressing opposition and serious concern about the Hanford steamplant. These editorials came from the North, East, South, and West, and I believe that they adequately reveal the thinking of a large group of conscientious newspaper editors who see in this proposal a project which the taxpayers should not be asked to support. I am truly sorry that the Star felt it should be so out of step with the other thoughtful papers on this wasteful proposal.

It is my sincere hope that the Senate in its wisdom will support the position taken by the House of Representatives and relegate the Hanford steamplant project to the junk heap of fuzzy thinking to which it deserves to go.

Sincerely yours,

JAMES E. VAN ZANDT.

Behind the Iron Curtain

EXTENSION OF REMARKS

OF

HON. THOMAS J. LANE

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, July 19, 1961

Mr. LANE. Mr. Speaker, in reply to an article that recently appeared in the CONGRESSIONAL RECORD entitled "Behind the Iron Curtain," issued to the Members of Congress by Attorney Vincent B. Welch, of Washington, D.C., describing his observations on his recent visit to Poland, I have received a letter together with copy of a letter sent to the author by our colleague, THADDEUS M. MACHROWICZ. The gentleman from Michigan, in spite of his numberless duties, as a Member of Congress, has purposely visited Poland on two occasions in the last 4 years to make an on-the-spot evaluation of conditions in order to present, if need be, to the Congress full and detailed facts. I am satisfied that as a result of his investigation and study that he is thoroughly familiar with the present situation in Poland. He has been a student of the history of Poland and its people past and present during his entire life and a keen follower of happenings in that country. In order that all of us may profit by his straightforward opinion of the present situation, I hope that the Members will read his interesting and enlightening reply to the writer of that article, "Behind the Iron Curtain." The letters follow:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 18, 1961.

DEAR COLLEAGUE: On July 5, 1961, one Vincent B. Welch, Washington attorney, circulated among the membership of both the House of Representatives and the Senate his article in the Bowdoin College Alumnus, entitled "Behind the Iron Curtain."

Since this article has been inserted in the CONGRESSIONAL RECORD and since it contains many gross misrepresentations, I enclose herewith, for your information, my reply to him.

I wish to call to your attention that Secretary of State Dean Rusk, in a report to the Senate Committee on Foreign Affairs last week, completely denied and rebutted most of the allegations contained in Mr. Welch's letter.

The Secretary's report is contained in the CONGRESSIONAL RECORD, of July 17, 1961, on page 12659, and should be read carefully by any who might have been influenced by Mr. Welch's letter.

Yours sincerely,

THADDEUS M. MACHROWICZ,
Member of Congress.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., July 18, 1961.

Mr. VINCENT B. WELCH,
Attorney at Law,
Washington, D.C.

DEAR MR. WELCH: I have your letter of July 5, with which you enclosed a copy of your article "Behind the Iron Curtain," in which you discuss your impressions resulting from an 8-day tour of Poland this summer. Your article contains a few correct observations, but with them such a tremendous amount of grossly unfair allegations inconsistent with actual facts, that I feel constrained to reply, particularly since the article has been distributed to the entire membership of Congress, inserted in the CONGRESSIONAL RECORD, and it is quite obvious that it was your intention to influence congressional opinion on pending legislation.

You stated that after 48 hours in Poland, you were in "somewhat of a state of hypnotized amazement." I accept your description of your state of hypnosis as an explanation of your completely inaccurate description of the state of mind of the Polish people. In justifying my own ability to properly evaluate the true situation in Poland, may I say to you that I have been there twice in the last 4 years, also that from personal experience I know the situation in pre-Communist Poland.

You are completely right when you state that the present Government of Poland is completely communistic and that the degree of suppression of human rights, particularly with reference to the church, is again increasing in tempo after the slight liberalization which was accomplished by the Polish people's revolt in June 1956. You are also correct in your observation that presently "over 90 percent of the Polish people live in relative poverty." But at this point the correctness of your report completely ends.

When you say that the Polish people individually "despise us, particularly the Americans," you are completely and thoroughly wrong. Thousands of Americans who have visited Poland in the last few years have been almost unanimous in their observation that hardly anywhere in the world, on either side of the Iron Curtain, do the Americans enjoy such respect and friendship as they do from the people of Poland. No one to my knowledge, with your single exception, has been in Poland even 24 hours without noticing that. All reports, private and official, confirm that fact.

The most convincing proof of that is the tremendously enthusiastic and friendly reception that was given by the Polish people to former Vice President Nixon when he visited that country last year. Despite the fact that the Polish Communist Government

did everything it could to withhold from the people of Poland the facts about the route or timing of Vice President Nixon's travel, the people turned out in surprisingly vast numbers to enthusiastically demonstrate their high degree of friendship to the American people. Mr. Nixon himself, after his return to the United States, declared that nowhere in his travels throughout the world, on either side of the Iron Curtain, did he experience such warm, spontaneous, and sincere welcome. How can you explain this manifestation in view of your claim that the Polish people "despise the Americans?"

You are also in complete error when you say that "over 90 percent of the Polish people are Communists or communistic in sympathy, through dedication, brainwashing, or abject fear." Nothing could be further from the truth than that statement, and again almost unanimous private and official reports from those who saw Poland in the last few years, not in a hypnotic state of mind, confirm my statement. As a matter of fact, I would state, on the basis of my own observation and knowledge of conditions in Poland, that it would be much nearer to the truth that nearly 90 percent of the people of Poland are anti-Communists, hate communism, and will never accept it. If free elections were permitted in Poland today, there would be an overwhelming vote for our American type of democracy—and that feeling exists not only among the older generation but among the college and university students and the youth in general.

You refer in your letter to the bloody revolt of the Polish people in June 1956, for "bread and freedom." The fact of that revolt in itself puts a lie to your claim. But more important than that, as you yourself point out, and as many observers agree, that revolt was led by workers and by students. How then can you justify your preposterous statement that "over 90 percent of the Polish people are Communists or Communists in sympathy?" I consider that allegation of yours as utterly erroneous and am shocked by the carelessness and ruthlessness with which you make it.

I believe that your difficulty may well be the same as that encountered by many other sincere but uninformed Americans; namely, that they cannot or will not differentiate between the people of Poland and the Government of Poland, which was imposed upon them against their will and without giving them an opportunity to participate in decisions regarding their national future.

May I remind you that the present Communist Government in Poland resulted from decisions made at Yalta and Teheran where the Poles, who were then our allies, were not represented, and may I remind you further that our own Government took part in those meetings and must be charged, in part at least, with responsibility for creating conditions which enabled the Communists to take Poland over against the will of its people. Under such circumstances it ill behooves us to taunt the Polish people for having a kind of government which it had no part in creating.

The situation in Poland is bad economically and politically, but the Polish people, under the spiritual leadership of Cardinal Wyszynski, have shown a remarkably strong spirit of resistance to Communist ideology. It is up to us in the United States to encourage this spirit of resistance rather than discourage it by completely false and unfair allegations. Certainly we cannot, nor should we, encourage or invite the Polish people to armed revolt at this time when it could lead only to a bloody purge and worse repression, unless we in the United States are ready to assist and join them in such armed resistance. Are we ready to give this help to them? What was our response to the Poznan revolt in 1956, or the brave revolt of the Hungarian patriots? These two instances have alerted the people of Poland to the truth that armed revolt at this time would be a tragic error and that the only wise course for the people of Poland is to follow the leadership of such men as Cardinal Wyszynski, who advises prudence and caution until the Western Powers are ready and willing to correct the injustices created by the Yalta and Teheran agreements.

I sincerely hope you will recognize the gross injustice you have done not only to the people of Poland, but to the cause of justice and democracy throughout the world, and will do whatever can be done to atone for it by a correction of the careless misstatements contained in your letter.

Yours very truly,

THADDEUS M. MACHROWICZ,
Member of Congress.

SENATE

THURSDAY, JULY 20, 1961

The Senate met at 12 o'clock meridian, and was called to order by the Vice President.

Hon. WALLACE F. BENNETT, a Senator from the State of Utah, offered the following prayer:

Our Father in heaven, we meet today in the absence of our beloved Chaplain, who was injured in the course of his duty the last time we met.

We are happy at the rapidity of his recovery. We thank Thee for the blessings Thou hast showered upon him, to make this possible, and ask that Thou wilt continue to bless him, and that he may soon be with us again.

In his absence, may our minds and our hearts recapture the words and the spirit of the many prayers he has offered in our behalf over the long years of his service. Bless us, that we may be able to measure up to the ideals of our obligation that he has set for us so frequently in the beautiful prayers offered in our behalf.

We ask these blessings in the name of Thy Son, Jesus Christ. Amen.

THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Tuesday, July 18, 1961, was dispensed with.

REPORTS OF A COMMITTEE SUBMITTED DURING ADJOURNMENT

Under authority of the order of the Senate of July 18, 1961, the following reports of a committee were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 1589. A bill to amend the Communications Act of 1934 to authorize the issuance of radio operator licenses to nationals of the United States (Rept. No. 575).

By Mr. PASTORE, from the Committee on Commerce, with amendments:

S. 2034. A bill to amend the Communications Act of 1934, as amended, in order to expedite and improve the administrative process by authorizing the Federal Communications Commission to delegate functions in staff provisions, and revising related provisions (Rept. No. 576).

By Mr. BARTLETT, from the Committee on Commerce, without amendment:

S. 2085. A bill to amend section 511(h) of the Merchant Marine Act, 1936, as amended, in order to extend the time for commitment of construction reserve funds (Rept. No. 574).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Ratchford, one of his secretaries.

LIMITATION OF DEBATE DURING MORNING HOUR

Mr. MANSFIELD. Mr. President, under the rule, there will be the usual morning hour for the transaction of routine business. I ask unanimous consent that statements in connection therewith be limited to 3 minutes.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETING DURING SENATE SESSION—AUTHORIZATION FOR FOREIGN RELATIONS COMMITTEE TO FILE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Foreign Relations Committee be permitted to sit today notwithstanding the session of the Senate, and that it also be given permission to file its report with the Senate on the foreign-aid bill, S. 1983, should it complete its action on this important measure this weekend, while the Senate is in adjournment or recess.

The VICE PRESIDENT. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

On request of Mr. MANSFIELD, and by unanimous consent, the following committees and subcommittees were authorized to meet during the session of the Senate today:

The Committee on Finance.

The Antitrust and Monopoly Subcommittee of the Committee on the Judiciary.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of executive business, to